

City of Philadelphia



(Bill No. 161106)

AN ORDINANCE

Amending Chapter 17-1600 of The Philadelphia Code, entitled “Economic Opportunity Plans,” by further providing with respect to Section 17-1603, entitled “Economic Opportunity Plans: Contents,” including but not limited to, changes in the criteria which require a Project or Contract Oversight Committee, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-1600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-1600. ECONOMIC OPPORTUNITY PLANS.

* * *

§ 17-1603. Economic Opportunity Plan: Contents.

(1) For a Covered Project or Contract subject to City Council approval (other than a Covered Project or Contract subject to Section 8-200(2) or 8-201 of the Home Rule Charter), an Economic Opportunity Plan prototype shall be produced by the certifying agency in conjunction with Council, and serve as the primary form for submission and compliance procedures in accordance with the provisions of this chapter:

(a) The Economic Opportunity Plan prototype and associated contract or project specific details shall be developed and agreed to by the contracting agency, the certifying agency, representatives of City Council designated by the Council President; and, subsequently, by the contractor, developer or recipient of financial assistance. The contents therein shall constitute the entire Economic Opportunity Plan. Provisions for compliance shall include, though not necessarily be limited to, the following commitments:

(.1) To provide (A) meaningful and representative opportunities for M/W/DSBEs to participate in all phases of the Covered Project or Contract; and (B) an appropriately diverse workforce in all phases of the Covered Project or Contract with regard to minority, female and disabled persons. In furtherance thereof, the contractor, developer or recipient of financial assistance shall use its best and good faith efforts, as defined by the Plan.

City of Philadelphia

BILL NO. 161106 continued

Certified Copy

(.2) To include in all contracts with Participants, pursuant to the Covered Project or Contract, an enforceable requirement that each Participant abide by the provisions of the Economic Opportunity Plan as set forth therein, pursuant to subsection (.1) of this section, in all phases of the Covered Project or Contract.

(.a) The contractor, developer or recipient of financial assistance shall include the requirements of the Plan in all requests for proposals, bid packages and solicitations issued pursuant to the Covered Project or Contract.

(.b) Every such contract shall include and define the specific steps, in the form of and/or as stipulated by the Plan, that shall satisfy the Participant's obligation to exercise its best and good faith efforts, including specific outreach and solicitation of M/W/DSBEs for participation in the Covered Project or Contract, and specific outreach and solicitation of a diverse workforce, and including requirements that the contractor submit to the contracting City agency or department and to MBEC documentation of all such steps.

(.c) The contractor, developer or recipient of financial assistance shall agree to engage in specific monitoring steps to insure compliance by all Participants.

(.d) The contractor, developer or recipient of financial assistance shall agree to include in all contracts with Participants provisions for enforcement of the requirements of the Plan, including but not limited to suspension of payments and cancellation of any contracts for non-compliance, and provisions for appealing any finding of non-compliance.

(.3) To take specific, identified steps to ensure that all M/W/DSBE subcontractors on the Covered Project or Contract are timely paid all moneys owing to them under their subcontracts, and that any disputes that may delay payment are promptly resolved.

(b) The contractor, developer and/or recipient of financial assistance shall be required to engage in an Oversight Process.

(.1) *For all Covered Projects or Contracts where the dollar value is in excess of five million dollars (\$5,000,000)* [Where appropriate, based on the dollar value, size, scope, duration, financial assistance category of the Covered Project or Contract, and the consideration of other contract or project specific details], the Plan shall establish a Project or Contract Oversight Committee, consisting of, as appropriate, the contractor, developer or recipient of financial assistance and representatives of the Participants, the certifying agency, City Council, the contracting department or agency and appropriate community organizations. Such Committee shall meet regularly, beginning no later than the initiation of the design phase of the Covered Project or Contract, and shall be

City of Philadelphia

BILL NO. 161106 continued

Certified Copy

responsible for facilitating compliance with the Plan. The Oversight Committee, through the Oversight Process, shall have within its purview the reconciliation of all compliance related issues or grievances.

(.2) The Oversight Committee Process, as needed or as stipulated by the Plan, will involve convening individual consultation or periodic small group meetings to include any or all of the parties identified above in subsection (.1)(a).

SECTION 2. Effective Date. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.

[Brackets] indicate matter deleted

City of Philadelphia

BILL NO. 161106 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on September 28, 2017. The Bill was Signed by the Mayor on October 11, 2017.



Michael A. Decker
Chief Clerk of the City Council