



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 050613

Introduced June 9, 2005

Councilmember Nutter

**Referred to the
Committee on Law and Government**

AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled "Contracts and Procurement," by prohibiting persons from receiving City financial assistance if they or certain related parties have made certain contributions to elected City officers or candidates for City offices, and requiring certain disclosures by persons seeking financial assistance, all under certain terms and condition.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 17. CONTRACTS AND PROCUREMENT.

* * *

CHAPTER 17-1200. NON-COMPETITIVELY BID CONTRACTS; *FINANCIAL ASSISTANCE*.

§17-1201. Definitions.

* * *

(16) *Financial Assistance*. Any grant, loan, tax incentive, bond financing subsidy for land purchase or otherwise, or other form of assistance that is realized by or provided to a Person in the amount of fifty thousand dollars (\$50,000) or more through the authority or approval of the City, including, but not limited to, Tax Increment Financing (TIF) aid, industrial development bonds, use of the power of eminent domain, Community Development Block Grant (CDBG) aid or loans, airport revenue bonds, and Enterprise Zone or similar economic development zone designations (such as Keystone Opportunity

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Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, and Economic Development District Zones), but not including any assistance to which a Person is entitled under a law enacted before the Person applied for or requested such assistance.

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§17-1204. Eligibility for Non-Competitively Bid Contracts *and Financial Assistance.*

(1) Determining Eligibility.

(a) If an individual makes contributions in excess of \$2,500 (as such amount is adjusted from time to time under §17-1204(1)(c)) in the aggregate during a calendar year to a candidate for nomination or election to any elective City office or to an Incumbent, then, during the term of office to which such candidate is elected or during the Incumbent's term of office, the individual shall not be eligible to apply for or to enter into any Non-Competitively Bid Contract in excess of \$10,000, nor shall said individual be eligible to be a sub-contractor (at any tier) of any such contract, *nor shall the individual be eligible to receive Financial Assistance.*

(b) If a Business makes a contribution in excess of \$10,000 (as such amount is adjusted from time to time under §17-1204(1)(c)) in the aggregate during a calendar year to a candidate for nomination or election to any elective City office or to an Incumbent, then, during the term of office to which any such candidate is elected or during the Incumbent's term of office, the Business shall not be eligible to apply for or to enter into any Non-Competitively Bid Contract in excess of \$25,000, nor shall said Business be eligible to be a sub-contractor (at any tier) of any such contract, *nor shall the Business be eligible to receive Financial Assistance.*

* * *

(3) *Disclosure by Applicants for Financial Assistance.*

(a) *A Person seeking Financial Assistance shall file with the City Agency providing such assistance all disclosure forms that Applicants seeking Non-Competitively Bid City Contracts must file under §17-1202(1)(b).*

(b) *The City Agency providing the Financial Assistance shall forward a copy of all disclosure forms it receives to the Finance Director, and the Department of Records.*

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(c) *No Financial Assistance shall be provided unless all required disclosure forms are completed, signed and filed with the City Agency providing such assistance and are on file with the Finance Director, and the Department of Records.*

(d) *If Council approval of the Financial Assistance is required by law, the ordinance approving such Financial Assistance must include as exhibits copies of all disclosure forms required by this subsection (3).*

* * *

§17-1205. Attribution Rules. The following attribution rules shall apply throughout this Chapter to determine what contributions shall be considered to be contributions of an Applicant, Consultant, [or] Contractor *or Person seeking Financial Assistance*:

* * *

§17-1207. Prohibited Conduct; Penalties; Remedies.

* * *

(2) No Applicant shall make a material misstatement or omission in the disclosures required by §17-1202(1)(b); and no Contractor shall make a material misstatement or omission in the disclosures required by §17-1202(1)(e); *and no Person seeking Financial Assistance shall make a material misstatement or omission in the disclosures required by §17-1204(3)(a).* If an Applicant makes material misstatements or omissions in the disclosures required by §17-1202(1)(b), or if a Contractor makes material misstatements or omissions in the disclosures required by §17-1202(1)(e), such Applicant or Contractor shall be prohibited from entering into any Non-Competitively Bid Contract for a period of from one to three years, and such act shall be subject to a fine of the Maximum Fine Amount, as defined herein. *If a Person seeking Financial Assistance makes material misstatements or omissions in the disclosures required by §17-1204(3)(a), such act shall be subject to a fine of the Maximum Fine Amount, as defined herein.* For purposes of this subsection (2), the “Maximum Fine Amount” shall be seven hundred dollars (\$700) for violations committed during calendar year 2005; eleven hundred dollars (\$1,100) for violations committed during calendar year 2006; fifteen hundred dollars (\$1,500) for violations committed during calendar year 2007; nineteen hundred dollars (\$1,900) for violations committed during calendar year 2008; and two thousand dollars (\$2,000) for violations committed thereafter.

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SECTION 2. Effective Date; Applicability.

(a) This Ordinance shall take effect February 1, 2006, but only if the amendment to Section 8-200 of the Philadelphia Home Rule Charter proposed by Resolution No. 050428 is approved by the voters.

(b) The amendment to §17-1204(1) of The Philadelphia Code in Section 1 of this Ordinance prohibiting the provision of financial assistance to persons who made certain contributions to candidates and incumbents, shall apply only with respect to contributions made on and after January 1, 2006. However, contributions made prior to January 1, 2006 shall be subject to the disclosure requirements of §17-1204(3) of The Philadelphia Code added by Section 1 of this Ordinance.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.