

EXECUTIVE ORDER No. 4 -12

**PROCUREMENT OF LOCAL AND
AMERICAN GOODS AND SERVICES**

WHEREAS, In the face of the most severe labor market downturn since the Great Depression, recovery of American jobs has been slow and not uniform across the country or across sectors. In particular, high-wage positions in areas such as manufacturing have fared worse in the Philadelphia metropolitan region than in surrounding regions; and

WHEREAS, The negative economic effects of the recession on American jobs are compounded by the increasing globalization of the production of goods. Nearly sixty percent of all goods consumed in America are made overseas. As a result, the United States has fewer manufacturing jobs in 2012 than in 1941. To bolster employment in this sector, some economists recommend an increase in American-made goods: they estimate that if every American spent an extra \$3.33 on American-made goods per year, it would create almost 10,000 new American jobs; and

WHEREAS, the City of Philadelphia can help bolster the number of Americans employed by the manufacturing industry by encouraging the purchase of locally-made goods, and can help bolster Philadelphia's professional services sector by considering local companies; and

WHEREAS, The purpose of this Order is to further leverage the City's purchasing power, to serve as inspiration to the citizens of our City and nation to buy American products and to support American workers and businesses as the country recovers from a devastating recession;

NOW, THEREFORE, I, Michael A. Nutter, Mayor of the City of Philadelphia, by the authority vested in me by the Philadelphia Home Rule Charter, do hereby order as follows:

SECTION 1. INVITATIONS TO BID

All invitations to bid with respect to articles to be acquired by the City pursuant to Section 8-200(2)(a) through (e) of the Home Rule Charter shall include a statement that while any contract will be awarded to the lowest responsive and responsible bidder as otherwise provided by the Home Rule Charter and other applicable law, the City aspires to purchase articles manufactured in the City of Philadelphia or in the Commonwealth of Pennsylvania.

SECTION 2. IDENTIFYING PRODUCERS OF AMERICAN-MADE ARTICLES

Whenever the Procurement Department issues an invitation to bid with respect to an article subject to Section 8-200(2)(a) through (e) of the Home Rule Charter, the Department shall, in addition to meeting the requirements of such provisions, make a reasonable effort to identify vendors that carry an American-made version of the article, and shall, as practicable and

consistent with law, send bid announcements regarding the invitation to bid to such vendors, to increase the number of bidders overall, and include suppliers of American-made products in the bidding process.

SECTION 3. TIE-BREAKING CRITERIA IN PROCUREMENT OF ARTICLES

(A) Where two or more responsive, responsible bidders tie for the lowest bid on an article to be acquired by the City pursuant to Section 8-200(2)(a) through (e) of the Home Rule Charter, the Procurement Department shall, as applicable, and prior to applying any other tie-breaking criteria or procedure, accept bids in the following order of priority:

(1) a bid from a bidder certified as a Local Business Entity pursuant to Section 17-109;

(2) a bid predominantly offering articles made in Philadelphia over a bid predominantly offering articles made outside of Philadelphia;

(3) a bid predominantly offering articles made in Pennsylvania over a bid predominantly offering articles made outside of Pennsylvania;

(4) a bid predominantly offering articles made in the United States of America over a bid predominantly offering articles made outside of the United States of America;

(B) To be eligible for application of the tie-breaking criteria set forth in subsections (A)(2) through (4) in the event of a tie, bidders must, at the time of bidding, certify the location of manufacture of the proposed articles in such manner as the Procurement Commissioner may specify, after consultation with the Law Department.

(C) For purposes of this section, “predominantly” shall mean more than fifty percent (50%) by expected dollar volume of purchase by the City.

SECTION 4. PROFESSIONAL SERVICES CONTRACTS

With respect to contracts for professional services subject to Chapter 17-1400 of The Philadelphia Code, City agencies shall deem it a positive factor where the applicant for a professional services contract (1) meets the criteria set forth in Section 17-109(3)(b) of the Code, or (2) in the performance of the contract, will employ City residents or work within the City; and so certifies. The Director of Finance, in consultation with the Law Department, shall produce an appropriate form of certification.

SECTION 5. COMMUNICATION

The Procurement Department is hereby directed to communicate this Executive Order to the various chambers of commerce representing business interests in the City.

SECTION 6. EFFECTIVE DATE AND APPLICABILITY

This Order shall be effective immediately, and shall apply only to the procurement of articles and professional services as to which invitations to bid, requests for proposals, or similar requests are issued on or after the seventh calendar day following the date of this Order.

11/2/12
Date



Michael A. Nutter, Mayor