



CITY OF PHILADELPHIA

LAW DEPARTMENT
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WAIVER/ EXEMPTION COMMITTEE

The Waiver/Exemption Committee (the "Waiver Committee") will formalize and streamline the Law Department's policy and procedure for reviewing complex constitutional and statutory issues that may arise from formal requests for waivers of, or exemptions from, City contracting requirements and City policies, laws, and regulations. The Waiver Committee will comprise a cross-section of Law Department attorneys from the following Units: Commercial Law, Appeals, Affirmative & General Litigation, and the attorney of record for the matter or contractual relationship in which the waiver or exemption is requested. Depending on the issue, attorneys from other Units (e.g., Regulatory Affairs, Privacy, etc.) may also participate. Further, the Waiver Committee may consult with experts as needed from outside the Law Department. Requests for the Waiver Committee to review an issue will be funneled through a committee liaison (the "Committee Liaison").

All Law Department attorneys who become aware of a waiver request that presents significant legal issues should promptly refer the request to the Committee Liaison for advice and consultation. Such requests may be brought to the attention of the Law Department from many sources, including, but not limited to, other City agencies, active or threatened litigation, or parties with City contracts. The Waiver Committee will have point persons in the Units identified above to help guide and convene all requests for legal advice to the Committee Liaison, who will, in turn, determine the appropriate subject matter experts within Law to consult. As noted above, the Waiver Committee may also consult with outside experts as needed.

The Waiver Committee's role will include addressing requests for waivers of, or exemptions from, statutory requirements, contractual terms, or City policies and practices that may implicate complex constitutional issues, such as equal protection, due process, religious liberty, or other First Amendment concerns. Attorneys may also refer other requests for waivers of, or exemptions from, contract provisions or City policies, laws, or regulations that raise significant legal issues and may benefit from interdisciplinary legal review.