

AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled “Contracts and Procurement,” by amending Chapter 17-1400, entitled “Non-Competitively Bid Contracts; Financial Assistance,” to provide procedures applicable to the awarding of contracts to non-City providers of vaccine doses for COVID-19 and related variants, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 17. CONTRACTS AND PROCUREMENT

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CHAPTER 17-1400. NON-COMPETITIVELY BID CONTRACTS; FINANCIAL ASSISTANCE

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§ 17-1409. Procedures Applicable to the Awarding of Contracts to Non-City Providers of Vaccine Doses for COVID-19 and related variants.

(1) **Basis.** *The provisions of this Section are enacted pursuant to Section 8-200 of the Charter, which provides that “City Council may, by ordinance, regulate the process by which purchases and contracts not subject to the lowest responsible bidder requirement of this paragraph are awarded...”*

(2) **Contractual relationship deemed to exist.** *The providing by the City of COVID-19 vaccines to a non-City entity for the purpose of enabling such entity to administer vaccine doses is hereby deemed to be an essential element of a contractual relationship between the City and the non-City entity, and therefore subject to the provisions of Chapter 17-1400 of the Code concerning non-competitively bid contracts. The contractual relationship exists regardless of whether the non-City entity selected by the City to administer COVID-19 vaccinations will receive any financial compensation from the City.*

(3) **Contract required.** *No City official, department, or agency may provide COVID-19 vaccines to a non-City entity for the purpose of administering vaccine doses unless a contractual agreement between the City and such entity has been entered into that (1) specifies the principal terms and conditions under which the vaccines are being provided and (2) explicitly provides that the entity shall comply fully with the requirements of Chapter 17-1600 (“Economic Opportunity Plans”).*

(4) **Contract prerequisites.** *No City official, department, or agency may award a contract to a non-City entity authorizing that entity to administer COVID-19 vaccine doses unless the City has at a minimum (1) specified the amount and type of experience that the entity must demonstrate in order to be eligible for the contract, (2) evaluated an applicant’s responsiveness*

to these criteria, and (3) expressly determined in writing that the applicant receiving an award has the requisite experience to fulfill the mission of the contract.

(5) ***Notification of Council.*** *No less than two (2) days before entering into a contract with a non-City entity to administer COVID-19 vaccine doses, the City official, department, or agency intending to do so shall provide notice of such intent to the President and Chief Clerk of City Council. Such notice shall set forth the principal terms of the proposed contract, including, but not limited to, the amount and type of experience that the applicant has demonstrated, and the demographic information concerning the recipients of vaccines that the contracting party will collect and submit.*

(6) ***Reporting requirement.*** *The Health Commissioner, or such other official as the Mayor may designate, shall submit to the President and Chief Clerk of Council, and post on the City's official website, the following information once every two weeks with respect to each entity that has been authorized by contract to distribute COVID-19 vaccine doses: the name of the entity; the number of doses provided to the entity; the number of doses administered by the entity; the race, ethnicity, and age range (under 20; 20-44; 45-64; 65-74; 75 and older) of the recipients of vaccinations provided by the entity; and the priority phase or phases established by the City (1a, 1b, 1c, or 2) into which the recipients fall.*

(7) ***Waiver prohibited.*** *The requirements of this Section 17-1409 shall not be waived and in particular shall apply even if the procedural requirements of subsections 17-1402(1)(a) and (1)(c) do not apply pursuant to Section 17-1406 (“Sole Source Contracts, Emergencies, and Other Exceptions”).*

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

Explanation:

Italics indicate new language added.