



City of Philadelphia

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

BILL NO. 080025

Introduced January 24, 2008

Councilmember Reynolds Brown

**Referred to the
Committee on the Environment**

AN ORDINANCE

Amending Chapter 17-100 of The Philadelphia Code, entitled "Procurement Contracts," by adding a new Section, providing that any contract for the construction, extension or major renovation of certain buildings, paid for with public funds, contain a provision requiring the contractor to certify that a certain level in energy and design efficiency will be achieved, in accordance with the Leadership in Energy and Environmental Design (LEED) Rating System, or that equivalent standards will be met, requiring LEED certified professionals, and by providing for penalties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-100 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-100. PROCUREMENT CONTRACTS.

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§ 17-111. Energy Efficiency and Environmental Design in Construction of Buildings.

(1) Purpose. The purpose of this Section is the achievement of energy efficiency and environmental design in the construction, extension and major renovation of publicly funded buildings with a gross floor area of 10,000 square feet or more, by providing that any construction contract for such projects contain a provision requiring the contractor to certify that the contractor will achieve at least a silver level rating in energy and design efficiency, in accordance with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, or that equivalent efficiency standards will be met and requiring LEED certified professionals. The City is undertaking this

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initiative to underscore the importance of building high performance green buildings that are responsible and healthy places to live and work and to encourage similar development by private developers within the City.

(2) Definitions. The following definitions shall apply to this Section:

(a) City. The City of Philadelphia, including its departments, boards, and commissions.

(b) City-related Agency. All authorities, government agencies and quasi-public corporations which:

(.1) receive appropriations from the City;

(.2) have entered into continuing contractual or cooperative relationships with the City; or

(.3) operate under legal authority granted to them by City ordinance;

(c) Contractor. Any person awarded a covered construction contract.

(d) Covered Construction Contract. Any agreement for the erection of a newly constructed building that will have a gross floor area of 10,000 square feet or more or for the major renovation of an existing building that has a gross floor area of 10,000 square feet or more either of which:

(.1) is paid for in whole or in part with City funds; or

(.2) is financed either wholly or partially by state or federal funds which are administered by the City;

(e) Green Building Council. The U.S. Green Building Council, an organization that has developed and published the LEED Rating System to measure the energy and environmental performance of a building;

(f) LEED. The Leadership in Energy and Environmental Design Rating System developed by the Green Building Council;

(g) Major Renovation. A structural modification that alters more than 50% of a building's gross floor area, as indicated on the application for a building permit.

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(h) Newly Constructed Building. A new building or an addition to an existing building.

(3) Contract Requirements. Every covered construction contract shall contain provisions requiring the contractor to certify the following regarding the construction:

(a) that the contractor will employ technologies and strategies recommended by the Green Building Council for development of high performance and sustainable buildings and will achieve at least:

(.1) A silver-level rating in the appropriate LEED Rating System, as certified by the Green Building Council; or

(.2) Energy and environmental design standards that have been approved by the City Planning Commission as being substantially equivalent to a silver-level rating in the appropriate LEED Rating System; and

(b) that notwithstanding any other requirements of this Code with respect to the submission of architectural plans and drawings, all architectural plans and drawings will be signed by a LEED certified architect or design professional and will be submitted to the City Planning Commission for review.

(4) City-related Agencies. Every contract, lease, grant, condition or other agreement entered into by the City with any City-related Agency shall contain a provision requiring the City-related Agency, in the execution of all covered construction contracts entered into pursuant to agreement between the City and City-related Agency to abide by the provisions of subsection (3) of this Section relating to Contract Requirements, as though such contracts were directly subject to such provisions.

(5) Regulations. The Procurement Commissioner and the City Planning Commission are authorized to promulgate such regulations as are necessary and appropriate for the implementation of this Section.

(6) Penalties. The violation of any provision of a covered construction contract required by this Section shall be considered a substantial breach of the contractor's obligation under the contract and shall subject the contractor to suspension of contract payments, termination of its contract and a bar on participation in future construction contracts. Suspension, termination, and the extent and duration of any contract bar shall be subject to the discretion of the Procurement Commissioner, in light of the severity or frequency of any violation.

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SECTION 2. This Ordinance shall become effective for bids advertised on or after January 1, 2009.

Explanation:

Italics indicate new matter added.