



Text File

Introduced: 1/12/2024

Bill No: 2024-0025, Version: 1

Committee: Committee on Finance and Law

Status: Passed Finally

Ordinance amending Title One: Administrative, Article IX: Boards, Commissions and Authorities, Chapter 177A: Equal Opportunity Review Commission in order to clarify scope of EORC review.

**WHEREAS, Section 177A of City Code provides the guidelines and operational procedures of the Equal Opportunity Review Commission; and**

**WHEREAS, Section 177A is used to ensure opportunities for historically disadvantaged minority groups and women participate on contracts that are put out to bid by the City and its Authorities; and**

**WHEREAS, the Equal Opportunity Review Commission was created to review contracts to include an evaluation of a developer/contractor's employment of minority groups and women; and**

**WHEREAS, by removing the residency language from 177A the City will be able to enforce sanctions on contractors/developers who are not meeting the requirements that are set by the City code.**

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code of Ordinances, Title One: Administrative, Article IX: Boards, Commissions and Authorities, Chapter 177A: Equal Opportunity Review Commission, §177A.09 Determination of Good Faith Efforts is hereby amended as follows:

- (a) In the event of failure by a developer/contractor to meet the ~~residency~~ requirements of Chapter 161 of the City Code of Ordinances, the developer/contractor shall be given an opportunity to demonstrate that every good faith effort has been made to meet these requirements. In a proceeding in which such good faith is an issue, all the actions of the developer/contractor in seeking to comply with the requirements shall be reviewed and evaluated by the EORC in light of the criteria set forth below. Compliance with these conditions shall be monitored by the EORC.

**Section 2.** The Pittsburgh Code of Ordinances, One: Administrative, Article IX: Boards, Commissions and Authorities, Chapter 177A: Equal Opportunity Review Commission, §177A.010 Sanctions is hereby amended as follows:

- (a) The City shall have the power to impose sanctions upon contractors and subcontractors found to be in non-compliance with the ~~residency~~ requirements set forth in this Chapter. Such sanctions shall include, but not be limited to:
  - (1) Suspension of payments,

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- (2) Termination of the contract,
- (3) Recovery by the City of a percentage of the contract award price as liquidated damages,
- (4) Denial of right to participate in future projects for up to three (3) years,
- (5) Require the developer/contractor to comply with the terms of this Chapter through appropriate legal action,
- (6) Notify the City Controller to withhold payments under any contract or grant, which may be due or owing to the developer/contractor,
- (7) Require the developer/contractor to enforce his obligations under his contract with contractors and subcontractors by litigation at law or in equity, whichever is appropriate,
- (8) Take all other actions available at law or in equity for the breach of this agreement or any act of irresponsibility by the contractor which the City may take into account in evaluating future bids by that contractor within the parameters of the laws of the State of Pennsylvania.