



1234 Market St., 17<sup>th</sup> Floor, Philadelphia PA 19107  
philadelphialandbank.org

## **Board of Directors Meeting**

**November 12, 2015**

**3:30 p.m.**

### **Agenda**

- 1 Roll Call
- 2 Public Comment
- 3 Approval of Minutes for the meeting of October 8, 2015
- 4 Updates
- 5 Appointment of Interim Executive Director
- 6 Approval of 2015 Progress Report and Strategic Plan Update
- 7 Procurement Policy
- 8 Adjournment

**This meeting is open to the public**

**RESOLUTION NO. 2015 -**

**RESOLUTION APPOINTING AN INTERIM EXECUTIVE DIRECTOR  
FOR PHILADELPHIA LAND BANK**

**WHEREAS**, the Pennsylvania Land Bank Act, 68 Pa. C.S.A. § 2101, *et seq.* (“Land Bank Act”) provides that a land bank may employ or enter into a contract for an executive director; and

**WHEREAS**, with the resignation of the Land Bank’s Executive Director, the Board now wishes to appoint an individual who will serve as the Land Bank’s Interim Executive Director.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the Philadelphia Land Bank that \_\_\_\_\_ shall serve as Interim Executive Director of the Land Bank until such time as the Board identifies and appoints a successor Executive Director.

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**MEMORANDUM**

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Date: November 12, 2015  
To: Board of Directors  
From: John Carpenter  
Re: 2015 Progress Report and Strategic Plan Update

In accordance with the authorizing ordinance, the Land Bank has prepared a performance report covering its first year of operations and reviewed its Strategic Plan and Policies. This first progress report, entitled “2015 Progress Report & Strategic Plan Update” focuses on the Land Bank’s achievements:

- Innovative, data-driven Strategic Plan
- Cleanup of title issues to the existing property inventory
- Updating of our upfront pricing model
- Pilot acquisition program using tax foreclosure
- Customer and stakeholder engagement

The report does not include data regarding property transfers, maintenance, or expressions of interest, as the Land Bank itself has not yet acquired property.

The report also notes that the board is readopting its 2015 Strategic Plan, with updated goals that better reflect the expected startup of operations. These goals are not yet specific to individual end uses, as the Land Bank does not have enough data about the land that it will be acquiring to project how it will be used.

On November 4<sup>th</sup> the Land Bank conducted a public hearing on this report. More than 70 members of the public attended, and fourteen people offered comments. The attached report includes a summary of these comments and the Land Bank’s response. The Land Bank will post a transcript of the entire hearing as soon as it is available.

We request that the board approve the attached report and authorize staff to transmit it to City Council for its consideration.

**RESOLUTION NO. 2015 -**

**RESOLUTION APPROVING AND ADOPTING 2015 PROGRESS REPORT AND STRATEGIC PLAN UPDATE FOR THE PHILADELPHIA LAND BANK**

**WHEREAS**, Chapter 16-700 of the Philadelphia Code, entitled “Philadelphia Land Bank” (the “Land Bank Ordinance”), requires the Land Bank Board of Directors to develop a strategic plan in coordination with the Philadelphia City Planning Commission to guide the acquisition, maintenance and disposition of Land Bank properties;

**WHEREAS**, the Land Bank has prepared, published and conducted a public hearing on its 2015 Progress Report and Strategic Report Update; and

**WHEREAS**, the Board has given full consideration of the 2015 Progress Report and Strategic Report Update and the public comments thereon.

**NOW THEREFORE, BE IT RESOLVED** by the Philadelphia Land Bank that:

1. The 2015 Progress Report and Strategic Report Update as presented to this Board and attached hereto is hereby adopted.
2. Land Bank Counsel is directed to prepare an appropriate resolution for introduction into Philadelphia City Council to allow Council’s review, and to request Council’s approval, of the Land Bank’s 2015 Progress Report and Strategic Report Update.



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## MEMORANDUM

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Date: November 12, 2015  
To: Board of Directors  
From: Nicholas Scafidi  
Re: Procurement Process and Financial Assistance Guidelines

The Land Bank's Policy Committee worked closely with staff to develop the attached policies to guide the Land Bank's procurement process. This procurement policy is modeled on the City's policies and adapted to our smaller scale of operations.

It is designed to give the Land Bank's potential business partners a fair and transparent process to compete for business opportunities, while at the same time allowing the Land Bank to be an efficient, cost-effective steward of the public funds with which we are entrusted.

We request that the Board approve these policies.

**RESOLUTION NO. 2015 -**

**RESOLUTION ADOPTING PROCUREMENT PROCESS AND  
FINANCIAL ASSISTANCE GUIDELINES  
FOR PHILADELPHIA LAND BANK**

**NOW THEREFORE, BE IT RESOLVED** by the Philadelphia Land Bank that the Procurement Process and Financial Assistance Guidelines attached hereto as an Exhibit to this Resolution are hereby adopted.

**PHILADELPHIA LAND BANK**  
**PROCUREMENT PROCESS AND FINANCIAL ASSISTANCE GUIDELINES**

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**PHILADELPHIA LAND BANK**  
**PROCUREMENT PROCESS AND FINANCIAL ASSISTANCE GUIDELINES**

**A. Applicability**

1. The Land Bank's procurement practices will, to the extent practical, adhere to the City's procurement rules (Philadelphia Code, Chapter 17-1400). When necessary to meet its stated mission, the Board may use procurement practices that are appropriate for a governmental agency of the size, the legal obligations and the closely-controlled governance oversight of the Land Bank. These guidelines are intended to provide full disclosure, fair and open competition and efficient practices in the procurement of all services purchased by the Land Bank
2. These guidelines apply to
  - (a) Contracts (other than contracts with government related entities) for professional services and the purchase of other services, supplies or goods, whether approved directly by the Board or by the Executive Director
  - (b) Financial Assistance, as defined in Philadelphia Code, Chapter 17-1401 (16), *i.e.*,
    - (i) Receipt by any person or organization of a loan, grant, subsidy for land purchase or other form of financial assistance in excess of \$50,000 from the Land Bank
    - (ii) This includes the sale of property if the price to be paid is reduced by more than \$50,000 from its fair market value

**B. Vendor Eligibility<sup>1</sup>**

1. Except for Miscellaneous Purchases (described in Section C.1.(d) below), or purchases from the City's approved vendor lists, prospective vendors must complete and submit campaign disclosure forms. Only those applicants who comply with the contribution limitations of Philadelphia Code, Chapter 17-1404, will be eligible for contract selection or for financial assistance. In general, these limits are
  - (a) An individual who makes campaign contributions in excess of \$2,900 in one calendar year is not eligible for financial assistance or for a contract greater than \$10,000

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<sup>1</sup> The campaign contribution limits are adjusted annually by the City. As the City adjusts these limits, the Land Bank Procurement Guidelines shall automatically be similarly adjusted without further Board action.



- (b) A business which makes campaign contributions in excess of \$11,500 in one calendar year is not eligible for financial assistance or for a contract greater than \$25,000

2. Disclosure forms will be retained for one year after the termination of the contract

C. Contracting Rules

1. Methods of Procurement<sup>2</sup>

(a) Request for Proposal

- (i) For contracts for \$32,000 or more, the Land Bank will issue and select a vendor through a Request for Proposal (RFP) process and will follow the publication rules stated in Section D below

(b) Competitive Process

- (i) For contracts less than \$32,000, bids may be solicited from several vendors by e-mail or fax using a competitive process designed to maximize competition
- (ii) Solicitation will be conducted in a manner appropriate to the amount of the contract and the solicitation must include a written description of the services requested

(c) Request for Qualifications

The Land Bank may choose to solicit and select one or more vendors through a Request for Qualifications (RFQ) process to

- (i) Create a pre-qualified list for future opportunities to support on-going operations, for example, attorneys and appraisers
- (ii) A sole selection process for a specialist contractor (such as software consultants) when the tasks to be performed involve planning, design and implementation and will involve a cooperative effort by Land Bank staff and contractor, making an RFP process impractical

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<sup>2</sup> The threshold of \$32,000 is adjusted annually by the City. As the City adjusts this limit, the Land Bank Procurement Policy shall automatically be similarly adjusted without further Board action.

(iii) Professional and/or technical qualifications and billing rates will be among the selection factors, and a maximum compensation amount for each selected vendor will be established by the Land Bank

(iv) An RFQ which leads to a contract of \$32,000 or greater will follow the publication rules stated in Section D below

(d) Miscellaneous Purchases

The purchase of office supplies and miscellaneous services in an amount of \$5,000 or less are exempt from these procurement rules; however, the cumulative purchases from a single vendor shall not exceed \$5,000 in a calendar year

(e) Software Licenses

(i) The Land Bank may renew software licenses without further competitive procurement for a period of up to five years

(ii) Prior to expiration of the term for such license, the software application's use and performance will be evaluated and presented to the Board of Directors for consideration of future renewals

2. Award of Contract

(a) There is no requirement that a contract be awarded based solely upon the lowest bid

(b) Each procurement evaluation shall give consideration and, as appropriate, preference to MBE/WBE/DBE firms

3. Contract Renewal Options

Contracts may contain options allowing the Land Bank to renew for one, two or three years

4. Contract Amendments and Authority

(a) An amendment is not permitted to change the original scope of work

(b) A contract amendment to increase the price to be paid can be approved by the Executive Director if the increase is limited to the greater of 20% of the initial contract price or \$25,000

(c) The Board may permit amendments above these limits if the amendment stays within the original advertised scope of services

- (d) If the original contract was procured by a Competitive Process as described above, a contract amendment cannot be for an amount that would increase the total contract to more than \$32,000
- (e) Amendments shall be published on the website identifying the contract and explaining the need for the amendment

5. Reporting

The Executive Director will report to the Board the award of all contracts and all contract amendments which he/she has approved as permitted under the contracting authority granted by the Land Bank Board

D. Publication Rules

- (a) The Land Bank will post each RFP and RFQ on its website
- (b) The RFP or RFQ will allow a minimum of fourteen (14) days to respond and will require applicants to submit a written proposal that includes price
- (c) Prior to Board action to select an applicant, the Land Bank will:
  - (i) Include in its posted agenda, the name of the recommended applicant
  - (ii) Post on its website the basis for the recommendation, including a statement that the recommended applicant was the lowest responsible bidder and, if not, why the proposals of all lower bidders were rejected
  - (iii) The contract with the selected applicant may be executed upon approval by the Board

E. Emergency Procurements: Sole Source Contracts

- (a) The Executive Director may waive these procurement rules for emergency situations, if there is a threat to public health or safety or to avoid material damage to the Land Bank's legal interests
- (b) The Board may waive these procurement rules for certain contracts where only a single contractor is able to provide the purchased services. Each waiver shall be supported by a written statement justifying the need for a sole source contract

F. Cooperative Purchasing

The Land Bank may ‘piggyback” on existing contracts held by the City or a City-related agency if:

- (a) The scope of services is the same as the City contract
- (b) The Land Bank contract does not involve a substantial increase in the contract value

G. Public Disclosure

After a contract has been executed, all submissions from applicants shall become public information, except that the Land Bank may redact proprietary information or other information protected by law