

DETERMINING ELIGIBILITY FOR CITY FINANCIAL ASSISTANCE

Chapter 17-1400 of the Philadelphia Code requires certain disclosures of persons seeking City Financial Assistance and prohibits such persons from receiving financial assistance if they or certain related parties have made contributions to elected City officers or candidates for City office in excess of the following amounts (§17-1404 (1)):

- (1) If an individual makes contributions in excess of \$2,600 in the aggregate during a calendar year prior to 2012 and \$2,900 in the aggregate during a calendar year beginning in 2012 to a candidate for nomination or election to any elective City office or to an Incumbent, then, during the term of office to which such candidate is elected or during the Incumbent's term of office, the individual shall not be eligible to receive Financial Assistance of \$50,000 or more.
- (2) If a Business makes a contribution in excess of \$10,600 in the aggregate during a calendar year prior to 2012 and \$11,500 in the aggregate during a calendar year beginning in 2012 to a candidate for nomination or election to any elective City office or to an Incumbent, then, during the term of office to which such candidate is elected or during the Incumbent's term of office, the Business shall not be eligible to receive Financial Assistance of \$50,000 or more.

PHILADELPHIA INDUSTRIAL DEVELOPMENT CORPORATION (PIDC)
PIDC-LOCAL DEVELOPMENT CORPORATION (PIDC-LDC)
PHILADELPHIA AUTHORITY FOR INDUSTRIAL DEVELOPMENT (PAID)
FINANCIAL ASSISTANCE DISCLOSURE FORM (FA-1)

APPLICANT (BORROWER): _____

AMOUNT OF FINANCIAL ASSISTANCE REQUESTED:\$ _____

DISCLOSURES:

The following are mandatory disclosures required of all Applicants for Financial Assistance of \$50,000 or more. Failure to respond to any of the five (5) disclosure questions will eliminate you from consideration for the requested Financial Assistance.

1. List the names, business addresses and phone numbers of all Consultants used by the Applicant with respect to this application for Financial Assistance within the year prior to the date of your application for assistance, and the amount paid or to be paid to each such Consultant for such services. **Were Consultants used? No ☐ Yes ☐ if yes, give details below:**

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>Amt. Paid/Payable</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. List all contributions of money or in-kind assistance made by the Applicant, or any Consultant listed in 1. above, during the two years prior to the date of your application for Financial Assistance to any candidate for nomination or election to any public office in the Commonwealth of Pennsylvania or to an individual who holds such office, or to any political committee or state party in the Commonwealth of Pennsylvania, or to any group, committee or association organized in support of any such candidate, office holder, political committee or state party in the Commonwealth of Pennsylvania, and the date and amount of each such contribution. (Note: The attribution rules of §17-1405 of the Philadelphia Code (see "Definitions") shall apply to determine what contributions must be disclosed as contributions of the Applicant or of a Consultant). **Were contributions made? No ☐ Yes ☐ if yes, complete attached "Campaign Contribution Disclosure Forms."**

3. List the names, business addresses and phone numbers of all subcontractors the Applicant intends to use if awarded this Financial Assistance, and the amount or percentage to be paid to each such subcontractor. **If subcontractors will not be used, answer "none."**

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>Amt.(\$)/Percentage (%)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Provide the requested information for each City of Philadelphia, PIDC, PIDC-LDC or PAID officer or

employee, who within two years prior to the date the application for Financial Assistance is filed, asked the Applicant, any officer, director or management employee of the Applicant, or any Person representing the Applicant, to give money, services, or any other thing of value (other than a Contribution as defined in the PA Election Code, 25 P.S. §3241, see “Definitions”) to any Person, and any payment of money, provision of services, or any other thing of value (other than a Contribution as defined in the PA Election Code, 25 P.S. §3241) given to any Person in response to any such request.

If no such request was made, answer “none.”

<u>Name</u>	<u>Title</u>	<u>Date Requested</u>	<u>Amount Requested</u>	<u>Date Paid</u>	<u>Amount Paid</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

5. List name and title of each City of Philadelphia, PIDC, PIDC-LDC or PAID officer or employee who, within two years prior to the date the application for Financial Assistance is filed, directly or indirectly advised the Applicant, any officer, director or management employee of the Applicant, or any Person representing the Applicant that a particular Person could be used by the Applicant to satisfy any goals established pursuant to the application for Financial Assistance for the participation of minority, women, disabled or disadvantaged business enterprises. The Applicant shall also disclose the date the advice was provided, and the name of such particular Person. **If no such advice was provided, answer “none.”**

<u>Name</u>	<u>Title</u>	<u>Date</u>	<u>Advice Provided</u>	<u>Person Recommended</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

CERTIFICATION:

The following certification must be signed and dated.

I certify under penalty of law that the above DISCLOSURES, including those set forth on the attached “Campaign Contribution Disclosure Forms,” are complete and true and correct in all respects. I further certify that I have not made any contribution(s) which would render me ineligible to receive Financial Assistance in accordance with §17-1404(1) of the Philadelphia Code.

Signature

Date

Campaign Contribution Disclosure Forms

This form is being provided to Applicants for Financial Assistance who are required to complete it and who may want to use it in order to obtain information from their Consultant(s), if applicable.

Consultants

Every Applicant for City Financial Assistance and all Contractors used to obtain said financial assistance are required to provide information on campaign contributions that were made.

Please note that a Consultant, for the purposes of the required disclosures, is defined as an individual or business used by an Applicant to assist in obtaining the requested Financial Assistance through direct or indirect communication by such individual or business with any City agency or any City officer or employee, or PIDC, PIDC-LDC or PAID or any officer or employee of PIDC, PIDC-LDC or PAID, if the communication is undertaken in exchange for, or with the understanding of receiving, payment from the Applicant or Consultant or any other individual or business (however, "Consultant" shall not include a full-time employee for the Applicant).

When applying for Financial Assistance, Applicants have to disclose, on behalf of their Consultant(s), any contributions they made during the two years prior to the Application deadline to:

- A candidate for nomination or election in any public office in the Commonwealth of Pennsylvania
- An incumbent in any public office in the Commonwealth of Pennsylvania
- A political committee or state party in the Commonwealth of Pennsylvania
- A group, committee, or association organized in support of any candidate, office holder, political committee or state party in the Commonwealth of Pennsylvania

Every recipient of Financial Assistance shall, for a period of five (5) years after receiving such assistance, be subject to the covenant and disclosure requirements set forth Philadelphia Chapter 17-1400 §17-1402(1)(e) as listed below:

- (i) The recipient shall covenant for a period of five (5) years after receiving such assistance, contributions will not be made that would render the recipient ineligible to apply for Financial Assistance under the provisions of §17-1404(1). Breach of such covenant shall be an event of default and PIDC, PIDC-LDC or PAID at its option, may accelerate the loan or increase the interest rate to the default rate set forth in the documents.
- (ii) The recipient shall, for a period of five (5) years after receiving such assistance, disclose any contribution of money or in-kind assistance the recipient or any Consultant has made during such time period to a candidate for nomination or election to any public office in the Commonwealth of Pennsylvania, or to any group, committee or association organized in support of any such candidate, office holder, political committee or state party, and the date and amount of such contribution. Such disclosure shall be made on a form provided by PIDC, PIDC-LDC or PAID, and the form shall

- (iii) be signed and filed with PIDC, PIDC-LDC or PAID within five business days of the contribution. The attribution rules of §17-1405 shall apply to determine what contributions must be disclosed under this provision as contributions of the Contractor or of a Consultant.
- (iv) The recipient shall for a period of five (5) years after receiving such assistance, disclose the name and title of each City of Philadelphia, PIDC, PIDC-LDC or PAID officer or employee who, during such time period, asked the recipient, any officer, director or management employee of the recipient, or any Person representing the recipient, to give money, services, or any other thing of value (other than a Contribution as defined in §17-1401) to any Person, and any payment of money, provision of services, or any other thing of value (other than a Contribution as defined in §17-1401) given to any Person in response to any such request. The recipient shall also disclose the date of any such request, the amount requested, and the date and amount of any payment made in response to such request. Such disclosure shall be made on a form provided by PIDC, PIDC-LDC or PAID, and the form shall be signed and filed with PIDC within five business days after the request was made or a payment in response to a request was made, as the case may be.
- (v) The recipient shall for a period of five (5) years after receiving such assistance, disclose the name and title of each City of Philadelphia, PIDC, PIDC-LDC or PAID officer or employee who directly or indirectly advised the recipient, any officer, director or management employee of the recipient, or any Person representing the recipient that a particular Person could be used by the recipient to satisfy any goals established relative to the Financial Assistance for the participation of minority, women, disabled or disadvantaged business enterprises. The recipient shall also disclose the date and the advice that was provided, and the name of such particular Person. Such disclosure shall be made on a form provided by PIDC, and the form shall be signed and filed with PIDC, PIDC-LDC or PAID within five business days after recipient was so advised.

The recipient must submit this updated information on the attached form to: Compliance Monitor, 2600 Centre Square West, 1500 Market Street, Philadelphia, PA 19102. This attached form can also be used to obtain and/or report the necessary information from its Consultant(s).

Eligibility Restrictions

If an individual makes contributions totaling over \$2,600 in one year to a candidate for City elective office or to an incumbent, the individual is not eligible to receive City Financial Assistance of \$50,000 or more during that candidate's or incumbent's term of office.

If a business makes contributions totaling over \$10,600 in one year to a candidate for City elective office or to an incumbent, the business is not eligible to receive City Financial Assistance of \$50,000 or more during that candidate's or incumbent's term of office.

Although individuals and businesses have to disclose campaign contributions made during the two years prior to the application deadline, the eligibility restrictions takes into consideration only those contributions made on or after January 1, 2006.

Individual: Campaign Contribution Disclosure Form

Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly.

	Yes	No
Have you made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>
Have you solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>
Has a member of your immediate family made any contributions over and above \$2,600?	<input type="checkbox"/>	<input type="checkbox"/>
Has a member of your immediate family solicited or served as an intermediary for contributions over and above \$2,600?	<input type="checkbox"/>	<input type="checkbox"/>

Additional information on every contribution must be disclosed. Please use the table provided on the next page.

Individual: Campaign Contribution Disclosure Form

For relationship, indicate whether the contributor was the Individual or Family Member.

For Family Members, only disclose contributions over and above \$2,600 (e.g., disclose \$400 when a family member gave \$3,000 to one recipient).

Name of Contributor	Relationship	Name of Recipient	Date of Contribution	Amount of Contribution

Please use additional pages as needed.

Business: Campaign Contribution Disclosure Form

Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly. Where “non-profit” is an option, indicate whether the business is a non-profit; non-profits are not required to disclose contribution information on these questions.

	Yes	No	Non-Profit
Has the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has the business solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
For for-profit businesses only: Has an officer, controlling shareholder, or partner of the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For for-profit businesses only: Has an officer, controlling shareholder, or partner of the business solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has an affiliate of the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an affiliate of the business solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the business solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has the business or an affiliate of the business reimbursed another individual or business for a contribution that the individual or business has made?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of a for-profit business, or of a for-profit affiliate of the business, reimbursed another individual or business for a contribution that the individual or business has made?	<input type="checkbox"/>	<input type="checkbox"/>	
Has a political committee controlled by the business or by an affiliate of the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has a political committee controlled by an officer, director, controlling shareholder, or partner of the for-profit business, or of a for-profit affiliate of the business, made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	

Additional information on every contribution must be disclosed. Please use the table provided on the next page.

Business: Campaign Contribution Disclosure Form

For relationship, indicate whether the contributor was the Business, Affiliate, Controlled Political Committee, Controlling Shareholder, Director, Officer, Parent, Partner, Reimbursed Contributor, Solicited Contributor or Subsidiary.

Name of Contributor	Relationship	Name of Recipient	Date of Contribution	Amount of Contribution

Please use additional pages as needed.

Definitions

Affiliate	A parent, subsidiary, or otherwise affiliated entity of a business.
Applicant	An individual or business who has filed an application for City Financial Assistance.
Attribution Rules (Philadelphia Code §17-1405)	<p>The following attribution rules shall apply to determine what contributions shall be considered to be contributions of an Applicant or Consultant.</p> <p>(1) Contributions made by a member of an individual’s Immediate Family shall be considered to be contributions made by the individual, but only if such contribution exceeds the maximum amount specified in §17-1404(1)(a). Only the amount of such contribution in excess of such maximum amount shall be attributed to the individual.</p> <p>(2) The following shall be considered a contribution by a Business:</p> <ul style="list-style-type: none"> (a) A contribution made by any parent, subsidiary, or otherwise affiliated entity of a Business (“affiliate”); (b) A contribution made by any Person for which they are reimbursed by such Business or affiliate. (c) A contribution from an officer, director, controlling shareholder or partner of such Business or affiliate, except that this provision shall not apply to not-for-profit Businesses or affiliates; (d) A contribution by a political action committee controlled by the Business or affiliate; (e) A contribution by a political action committee controlled by an officer, director, controlling shareholder or partner of such Business or affiliate (other than a not-for-profit Business or affiliate). <p>(3) A contribution to any political committee which, during the calendar year in which the</p>

	<p>contribution is made, itself makes contributions or gives financial support in excess of fifty percent of the committee's total receipts for that calendar year to a particular candidate for nomination or election to any elective City office or to a particular Incumbent, shall be considered a contribution to such candidate or Incumbent. A contribution to a political committee that has listed the names of any candidates on a registration statement filed pursuant to the Election Code (25 P.S. §3244) shall be considered a contribution to each such candidate.</p> <p>(4) Any other contribution made not directly to a candidate for nomination or election to any elective City office or Incumbent, but with the purpose and intent that the entity to whom the contribution is made will, directly or indirectly, make such contribution available to such candidate or Incumbent, shall be considered a contribution to such candidate or Incumbent.</p> <p>(5) Any contribution solicited by a Person shall be considered a contribution by such Person, and if a Person sponsors or hosts a fundraising event, then any contributions raised at such event shall be considered to be contributions by such Person. Any contribution solicited by an officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) shall be considered a contribution by such Business, and if any officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) sponsors or hosts a fundraising event, then any contributions raised at such event shall be considered to be contributions by such Business.</p> <p>(6) Any contribution for which a Person is an intermediary shall be considered as a contribution by such Person, and any contribution for which an officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) is an intermediary shall be considered a contribution by such Business. For the purposes of the subsection, an "intermediary" means a Person who, other than in the regular course of business as a postal, delivery or messenger service, delivers a contribution from another Person to the recipient of such contribution.</p>
Business	A corporation, limited liability company, partnership, association, joint venture or any other legal entity (including non-profit organizations).
Candidate	Any individual who seeks nomination or election to public office, other than a judge of elections or inspector of elections, whether or not such individual is nominated or elected. An individual shall be deemed to be seeking nomination or election to such office if he or she has (1) received

	<p>a contribution or made an expenditure or has given his or her consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his or her nomination or election to such office, whether or not the individual has made known the specific office for which he or she will seek nomination or election at the time the contribution is received or the expenditure is made; or (2) taken the action necessary under the laws of the Commonwealth of Pennsylvania to qualify himself or herself for nomination or election to such office.</p>
Consultant	<p>An individual or business used by an applicant to assist in obtaining City Financial Assistance through direct or indirect communication by such individual or business with any City agency or any City officer or employee, or PIDC, PIDC-LDC or PAID or any officer or employee of PIDC, PIDC-LDC or PAID, if the communications is undertaken in exchange for, or with the understanding of receiving, payment from the applicant or any other individual or business (however, “Consultant” shall not include a full-time employee of the Applicant).</p>
Contribution (PA Election Code, 25 P.S. §3241)	<p>Any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing, to a candidate or political committee made for the purpose of influencing any election in this Commonwealth or for paying debts incurred by or for a candidate or committee before or after any election. “Contribution” shall also include the purchase of tickets for events such as dinners, luncheons, rallies and all other fundraising events; the granting of discounts or rebates not available to the general public; or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments provided for the benefit of any candidate, including any payments for the services of any person serving as an agent of a candidate or committee or a person whose expenditures the candidate or committee must report under this act. The word “contribution” includes any receipt or use of anything of value received by a political committee from another political committee and also includes any return on investments by a political committee.</p>
Financial Assistance	<p>Any grant, loan, tax incentive, bond financing subsidy for land purchase or otherwise, or other form of assistance that is realized by or provided to a Person in the amount of fifty thousand dollars (\$50,000) or more through the authority or approval of the City, including, but not limited to, Tax Increment Financing (TIF) aid, industrial development bonds, use of the power or eminent domain, Community Development Block Grant (CDBG) aid or loans, airport revenue bonds, and Enterprise Zone or similar economic development zone designations (such as Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity</p>

	Improvement Zones, and Economic Development District Zones), but not including any assistance to which a Person is entitled under a law enacted before the Person applied for or requested such assistance.
Immediate family	A spouse or life partner residing in the individual's household or minor dependent children.
Incumbent	An individual who holds elective City office.
Individual	Single persons whose business is not incorporated.
Intermediary	An individual or business, who, other than in the regular course of business as a postal, delivery or messenger service, delivers a contribution from another individual or business to the recipient of such contribution.
Political committee	Any committee, club, association or other group of persons which receives money or makes expenditures for purpose of influencing any election.
Solicit a Contribution	Requesting or suggesting that a person make a contribution. The sponsoring or hosting of a fundraising event is considered soliciting a contribution from the attendees of the event. Any contributions raised at such event are counted as a contribution made by the host of the event.