

# City of Philadelphia



(Bill No. 260431)

## AN ORDINANCE

Authorizing the Procurement Commissioner, on behalf of the City, to enter into a concession agreement with Positive Energy Inc. for the procurement, construction, installation, operation, and maintenance of Direct Current Fast Chargers in the cell phone lot at Philadelphia International Airport, under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. The Procurement Commissioner, on behalf of the City of Philadelphia, is hereby authorized to enter into a concession agreement with Positive Energy Inc. for the installation of Direct Current Fast Chargers in the Cell Phone Lot at Philadelphia International Airport, pursuant to the terms as set forth in the term sheet attached hereto as Exhibit "A."

SECTION 2. The City Solicitor is hereby authorized to review and approve all instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor may deem necessary and proper to protect the interests of the City of Philadelphia and to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall be effective immediately.

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## Exhibit "A"

### Term Sheet

### Direct Current Fast Chargers for Airport Cell Phone Lot

#### Parties

The City of Philadelphia, acting through its Procurement Department and its Department of Aviation, ("City") and Positive Energy Inc. ("Concessionaire").

#### Term

The term of the Agreement, upon City Council approval, will be for an initial period of five (5) years with one five (5) year renewal term, after notice from Concessionaire of the desire to extend the term and the City's consent.

#### Scope of Work/Concessionaire Duties

Contractor shall procure, construct, install, operate, and maintain four (4) Direct Current Fast Chargers located at Philadelphia International Airport's Cell Phone Lot for use by Philadelphia International Airport passengers, ride-share companies and the general public. Contractor shall also coordinate with PECO, and any other federal, state, or local entities with respect to requirements applicable to this project, on the installation of electrical infrastructure required to support the chargers.

#### Concession Fees

Concessionaire shall pay for the first five (5) years to the City a concession fee equal to thirty-three percent (33%) of the total gross revenue. For years six (6) to ten (10), the Concessionaire shall pay to the City a concession fee equal to thirty-seven percent (37%) of the total gross revenue.

#### City Obligations

The City shall provide funds for the initial installation of the chargers, not to exceed the project budget of \$2,781,000. After such initial payment, it shall have no maintenance or other financial obligations.

#### Ownership of Equipment

The Concessionaire shall own and insure the equipment during the Term. The City shall have the sole option to accept ownership of the equipment owned by Concessionaire or require the Concessionaire to remove it upon expiration of the Agreement.

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## Indemnification

Concessionaire is required to indemnify, defend and hold harmless the City and its officers, employees and agents from and against any and all liability and expenses associated, in whole or in part, with the acts, omissions, negligence or fault of the Concessionaire or its agents, subcontractors, independent contractors, suppliers, employees or servants and with the use or disclosure of confidential and/or proprietary information of the City.

## Insurance and Security for Performance

The Concessionaire shall provide insurance consistent with City standards at its sole cost and expense. The City, its officers, employees, and agents, shall be named as additional insureds on the General Liability, Umbrella Liability and Cyber Liability Insurance policies.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 11, 2026. The Bill was Signed by the Mayor on June 12, 2026.

A handwritten signature in black ink, reading "Elizabeth McCollum". The signature is written in a cursive style with a large, looping initial "E".

Elizabeth McCollum  
Chief Clerk of the City Council