

City of Philadelphia



(Bill No. 220573)

AN ORDINANCE

Authorizing the Procurement Commissioner, on behalf of the City, to enter into an agreement with the Philadelphia Energy Authority (the “Authority”) to purchase electricity and certain attributes and benefits related to the generation of such electricity from a solar energy facility to be built and owned by, Solaer USA PNE, LLC, located at Northeast Philadelphia Airport (“PNE”) for use at and in connection with City facilities, all under certain terms and conditions.

WHEREAS, The Pennsylvania Electricity Generation Customer Choice and Competition Act made it possible for the City and all consumers of electricity to have direct access to the competitive market for the generated supply of electricity;

WHEREAS, The City has established policy goals for increasing the percentage of City energy use from renewable sources; and

WHEREAS, The Philadelphia Energy Authority is authorized by the Municipality Authorities Act and City ordinances to enter into contracts for the supply of electricity;

WHEREAS, The City’s Division of Aviation, in collaboration with the Philadelphia Energy Authority, entered into a selection process to identify a highly qualified supplier to provide electricity from renewable sources with certain attributes and benefits related to the generation of such electricity for use by City facilities with a proposed contract term of up to thirty (30) years;

WHEREAS, Solaer USA PNE, LLC, was selected as the Solar Electricity Seller through a competitive process, which included a Request for Proposals issued on March 17th, 2021; and

WHEREAS, The City’s contract with the Authority would require the Authority to enter into a contract with the Solar Electricity Seller or its affiliates and undertake certain obligations, and the City will undertake certain obligations of the Authority; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Procurement Commissioner, on behalf of the City, is hereby authorized to enter into an agreement with the Philadelphia Energy Authority for the supply of solar electricity and certain attributes and benefits related to the generation of such electricity for use at City facilities, based substantially on the terms of a contract between the Authority and Solaer USA PNE, LLC, or its affiliates, acting as the Solar Electricity Seller. The contract between the Authority and the Solar Electricity Seller shall require the Solar Electricity Seller to provide

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electricity from solar energy sources located at PNE for use at the City's facilities in coordination with the City's licensed service provider of electricity.

SECTION 2. The contract between the City and the Authority will be substantially in the form set forth in Exhibit A of this ordinance. The contract between the Authority and Solaer USA PNE, LLC will be substantially in the form set forth in the document attached hereto as Exhibit B of this ordinance.

SECTION 3. The City Solicitor is hereby authorized to review and to approve the agreements necessary to effectuate this Ordinance, and to impose such terms and conditions on them 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.

[Note: Exhibits to this Bill are on file in the Office of the Chief Clerk.]

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 23, 2022. The Bill was Signed by the Mayor on June 27, 2022.



Michael A. Decker
Chief Clerk of the City Council