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Authorizing the Procurement Commissioner, on behalf of the City of Philadelphia, to enter into an agreement with the Philadelphia Municipal Authority to provide for the acquisition of Bigbelly waste and recycling receptacles, related maintenance and software licensing, and authorizing an advertising concession, all under certain terms and conditions.

WHEREAS, the Philadelphia Municipal Authority (the "Authority"), a body corporate and politic organized under the provisions of the Pennsylvania Municipality Authorities Act of 1945 (the Act of May 2, 1945, P.L. 382, as amended) pursuant to ordinances of the Council of the City, is authorized to undertake projects on behalf of the City when such projects are approved by an ordinance; and

WHEREAS, the Procurement Department on behalf of the Streets Department has requested that the Authority undertake a project to provide for the acquisition of 275 new Bigbelly waste and recycling receptacles ("Bigbelly Units"), related cleaning and maintenance and software licensing, and an advertising concession in connection with such Bigbelly Units; and

WHEREAS, Green City Solutions Philadelphia, LLC., and Big Belly Solar, Inc. have been selected through a competitive process to provide the Bigbelly Units, provide cleaning and maintenance and licensing for the Bigbelly Units, and be the advertising concessionaire in connection with the units; and

WHEREAS, the Project will require the Authority to enter into agreements with Green City Solutions Philadelphia, LLC., and Big Belly Solar, Inc. for the Project, and the City will undertake certain obligations of the Authority to Green City Solutions Philadelphia, LLC., and Big Belly Solar, Inc. through the City's agreements with the Authority; now, therefore

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 agreements with the Philadelphia Municipal Authority, for a project for the acquisition of 275 Bigbelly waste and recycling receptacles, related maintenance and software licensing, and an advertising concession in connection with the receptacles, pursuant to terms substantially as set forth in the Term Sheet attached hereto as Exhibit "A."

SECTION 2. The City Solicitor is hereby authorized to review and to approve the agreement or 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 purposes of this Ordinance.

EXHIBIT "A"
Term Sheet

Background. Bigbelly Units have had a significant role in the City of Philadelphia's Streets Department's litter prevention program since 2009. Bigbelly Units have helped enhance the cleanliness and efficiency of litter collection services provided on public streets. Many Bigbelly Units are now in need of replacement. Advertising on Bigbelly Units will help provide financial support for the City's litter prevention program.

1. **Advertising Concession.** The City shall transfer advertising rights on 400 Bigbelly Units to the Philadelphia Municipal Authority (the "Authority"). The Authority shall provide the advertising rights to Green City Solutions Philadelphia, LLC ("Green City") under a concession agreement. Green City shall solicit and manage all advertising.

2. **Term.** The terms of the concession agreements shall not exceed ten (10) years.

3. **Advertising Concession Fee.** The concession fee for the advertising rights shall be:

   (a) Sufficient for the acquisition of 275 Bigbelly Units (consisting of a litter compactor, recycling bin and foot treadle); and, additionally,

   (b) Five (5) percent of net advertising revenues.

4. **Inspection and Cleaning.** As part of the concession, Green City shall be responsible for the inspection and cleaning of the exterior of the 400 Bigbelly Units available for advertising use.

5. **Advertising Tax.** Green City shall be responsible for paying the City's outdoor advertising tax for all advertisements it sells.

6. **Economic Opportunity Plan**. The concession agreement between the Authority and Green City shall be subject to an Economic Opportunity Plan that has been reviewed and approved by the Office of Economic Opportunity ("OEO").

7. **Big Belly Purchase, Warranty and Software.** Big Belly Solar, Inc. is the manufacturer and software licensor of Bigbelly Units. It is anticipated that 275 Bigbelly Units will be purchased in connection with this project. The Bigbelly Units are sold with a one year warranty and software license. Any agreements between Big Belly Solar Inc. and the Authority shall be reviewed and approved by OEO prior to execution by the Authority.

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