



Legislation Text

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Amending Title 17 of The Philadelphia Code, entitled "Contracts and Procurement," to prohibit contractors providing solid waste, recycling or composting services to the City from incinerating discarded matter, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 17 of The Philadelphia Code is hereby amended to read as follows:

TITLE 17. CONTRACTS AND PROCUREMENT.

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CHAPTER 17-100. PROCUREMENT CONTRACTS.

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§ 17-113. *Waste and Recycling Contracts.*

(1) *Definitions. For the purpose of this Section, the following definitions shall apply:*

(a) *Business Entity. Any individual, domestic corporation, foreign corporation, association, syndicate, joint stock company, partnership, joint venture, or unincorporated association, including any parent company, subsidiary, exclusive distributor or company affiliated therewith, engaged in a business or commercial enterprise.*

(b) *City. The City of Philadelphia, its departments, boards and commissions.*

(c) *City-related Agency. Any authority, government agency or quasi-public corporation which:*

(.1) receives appropriations from the City;

(.2) has entered into a continuing contractual or cooperative relationship with the City, including any agreement whereby the City funds an agency's debt service; or

(.3) operates under legal authority granted to them by City ordinance.

(d) *Construction and Demolition Waste. "Construction/demolition waste" as defined in 25 Pa. Code § 271.1.*

(e) *Discarded Matter. Municipal Waste, Residual Waste, Construction and*

Demolition Waste, Source Separated Organics, or Source Separated Recyclables generated in the City and contracted by the City for collection, including non-recyclable material mixed in with Source Separated Recyclables.

(f) *Disposal. The removal of Discarded Matter to any landfill, Incinerator, or Waste-to-Fuel Facility.*

(g) *Incinerator. Any facility that meets the definition of a “municipal waste combustor” per 40 CFR 60.51a or any cement kiln, power plant, industrial boiler, or facility that uses plasma arc, gasification, pyrolysis, or similar technology to process Discarded Matter for their energy value, rather than for reuse, Recycling or composting.*

(h) *Municipal Waste. “Municipal Waste” as defined in 25 Pa. Code § 271.1.*

(i) *Processing. The “Processing,” as defined in 25 Pa. Code § 271.1, of any Discarded Matter, including through the use of any Waste-to-Fuel facility.*

(j) *Recycling. The “Recycling” as defined in 25 Pa. Code § 271.1, of any Discarded Matter, excluding through the use of an Incinerator or Waste-to-Fuel Facility.*

(k) *Residual Waste. “Residual Waste” as defined in 25 Pa. Code § 287.1.*

(l) *Source Separated Organics. Food scraps, compostable plastics, soiled paper, and/or yard waste kept separate from municipal waste at the point of origin for the purpose of composting.*

(m) *Source Separated Recyclables. Materials that are kept separate from municipal waste at the point of origin for the purpose of Recycling. The term includes any material collected in a Recycling program, including, but not limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, and plastics.*

(n) *Waste-to-Fuel Facility. Any facility, excluding a landfill or an anaerobic digester, that engages in marketing, packaging, Processing or converting Discarded Matter for provision or sale as burnable fuels for the purpose of being combusted for energy (electricity, heat, or transportation fuel).*

(2) *Prohibited Contracts.*

(a) *A Business Entity that enters into a City contract for the transfer, transportation, Processing, Recycling, or Disposal of Discarded Matter may not convey Discarded Matter to an Incinerator or a Waste-to-Fuel facility, or to a transfer station where such Discarded Matter would be subsequently conveyed to an Incinerator or a Waste-to-Fuel facility.*

(b) *Contract Requirements.*

(.1) *Each City contract for transfer, transportation, Processing, or Disposal of Discarded Matter shall contain a clause stating that the Business Entity will not convey Discarded Matter to any Incinerator or a Waste-to-Fuel facility, or to a transfer station where such Discarded Matter will be*

subsequently conveyed to an Incinerator or a Waste-to-Fuel facility.

(.2) Any false, deceitful or misleading statement made by a Business Entity in a bid or contract document is a violation of this Section, subject to the following penalties:

(i) A prospective bidder shall be liable to the City in the amount of the bid surety provided by the bidder, as liquidated damages;

(ii) A contractor shall be deemed to be in breach of its contract, for which the remedy shall be the cancellation or termination of the contract and the withholding of voucher payments due and owing under the contract; and

(iii) A Business Entity that falsely executes a bid or contract shall be ineligible to bid on City contracts or subcontracts for a period of up to five (5) years.

(.3) Any contract entered into by the City with any City-related Agency shall contain a provision requiring that the City-related Agency abide by the provisions of this Section in awarding any contracts pursuant to its City agreement, as though such contracts were directly subject to the provisions of this Section.

(c) Notice. All invitations to bid, bid specifications, and contracts relating to the transfer, transportation, Processing, Recycling, or Disposal of Discarded Matter shall contain an appropriate notice and description of the duties, obligations, responsibilities, requirements, penalties, and sanctions imposed by this subsection.

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SECTION 2. Effective date. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.

[Brackets] indicate matter deleted.