

City of Philadelphia



(Bill No. 050496)

AN ORDINANCE

Authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia (“City”), to enter into an Agreement with BFI Waste Systems of North America, Inc. (“BFI”), pursuant to which BFI will receive municipal solid waste to be collected by or on behalf of the City, and transfer and dispose that municipal solid waste, over a four-year term, with three one-year renewal terms at the sole discretion of the City.

WHEREAS, Pursuant to Section 304 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101), 53 P.S. 4000.304, the City is responsible for the collection and disposal of municipal waste generated or present within its boundaries, and is expressly authorized to contract with any person to satisfy its responsibility for the collection and disposal of municipal waste generated or present within its boundaries; and

WHEREAS, The Mayor of Philadelphia has appointed a Solid Waste Advisory Committee (“SWAC”) to develop a Solid Waste Management Plan pursuant to the requirements of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988; and

WHEREAS, The Streets Department, with the advice of the SWAC, developed a comprehensive request for proposals to secure the required waste disposal contracts; and

WHEREAS, The responses to these requests have been evaluated by the City to select those vendors of transfer stations and disposal capability which are best qualified in terms of cost, environmental impact, neighborhood impact, and operational efficiency; and

WHEREAS, Based on this evaluation, the Streets Department has selected BFI to dispose of a part of the City’s Municipal Solid Waste; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of the Department of Streets, on behalf of the City of Philadelphia, is hereby authorized to enter into an Agreement for waste disposal services with BFI, which Agreement shall be substantially in the form of Exhibit “A” attached hereto and made a part hereof.

SECTION 2. The Agreement authorized in Section 1 of this Ordinance shall be substantially in the form set forth in Exhibit “A” attached hereto, with such changes as the City Solicitor deems necessary or desirable to protect the interest of the City, and

City of Philadelphia

BILL NO. 050496 continued

Certified Copy

which changes, in the legal judgment of the City Solicitor, do not materially alter the relationship of the parties to the Agreement, directly or indirectly increase the City's financial obligations under the Agreement, materially diminish the obligations of BFI to the City under the Agreement, or otherwise adversely affect the rights of the City or of any official of the City under the Agreement.

SECTION 3. The Chief Clerk of City Council shall keep all Exhibits to this Ordinance on file and make them available to the public for inspection and copying during regular office hours.

SECTION 4. This Ordinance shall take effect immediately.

City of Philadelphia

BILL NO. 050496 continued

Certified Copy

City of Philadelphia

BILL NO. 050496 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 9, 2005. The Bill was Signed by the Mayor on June 30, 2005.



Patricia Rafferty
Chief Clerk of the City Council