

# City of Philadelphia



(Bill No. 080499)

## AN ORDINANCE

Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into a lease agreement with the Philadelphia Municipal Authority for further sublease to Philadelphia Biosolids Services, LLC., a certain portion of a parcel of ground located at 7800 Penrose Ferry Road; all under certain terms and conditions.

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

**SECTION 1.** The Commissioner of Public Property is hereby authorized to enter into a lease agreement (“Master Lease”) with the Philadelphia Municipal Authority (“PMA”) of a certain portion of a parcel of ground located at 7800 Penrose Ferry Road, Philadelphia (“Premises”), which Lease shall be substantially in the form set forth in Exhibit “A” attached hereto, with such changes as the City Solicitor deems necessary or appropriate to protect the interests of the City, and which Premises PMA shall sublease to Philadelphia Biosolids Services, LLC., under a sublease agreement which shall be substantially in the form set forth in Exhibit “B” attached hereto, the Premises being more fully described as follows:

All that certain lot or piece of ground situate in the 40th Ward of the City of Philadelphia, described as follows:

BEGINNING at a point located the two following courses from the point of a railroad spike in the bed of Penrose Ferry Road (150 wide, legally open). Said railroad spike being North 83°53’56” East, a distance of 75.020 feet from the midpoint of the East Face of the Forth Pier south of Platt (Penrose Avenue) Bridge, on the west side of the Schuylkill River and the intersection of this line with the center point of the CSX Transportation, Inc.’s Railroad Right-of-way (former Philadelphia, Baltimore and Washington Railroad); Thence, a) Extending from said Railroad Spike, South 28°18’52” East, a distance of 44.290 feet to a point; Thence, b) Leaving said line and extending South 61°41’57” West, a distance of 68.101 feet to a point; Said point being the True Point and Place of Beginning; Thence, from the Point of Beginning, 1) South 28°18’52” East, a distance of 1,141.928 feet to a point; Thence, 2) South 20°47’50” East, a distance of 382.196 feet to a point; Thence, 3) South 78°08’50” West, a distance of 2,040.636 feet to a point; Thence, 4) North 13°25’45” West, a distance of 2,55.331 feet to a point; Thence, 5) South 77°37’00” West, a distance of 278.490 feet to a point; Thence, 6) North 29°12’54” West, a distance of 389.282 feet to a point; Thence, 7) North 60°47’06” East, a distance of 90.716 feet to a point; Thence, 8) North 29°12’54” West, a distance of 167.333 feet to a point; Thence, 9) North 60°47’06” East, a distance of 347.013 feet to a

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point; Thence, 10) North 29°12'54" West, a distance of 56.383 feet to a point; Thence, 11) North 61°41'58" East, a distance of 1,781.154 feet to the Point of Beginning.

The Area of Property Lease of the Philadelphia Water Department's Biosolids Recycling Center, described herein, is according to a plan (Reference Plan Y-567-ROW DWG) entitled "Proposed Lease of Biosolids Recycling Center", dated January 9, 2006, prepared by Philadelphia Water Department Survey Unit, 3585 Fox Street, Philadelphia, PA, 19129.

CONTAINING in Area 2,561,595.770 square feet or 58.800 acres, more or less.

**SECTION 2.** The Chief Clerk of City Council shall keep on file all exhibits referenced in this Ordinance and shall make them available for inspection by the public during regular office hours.

**[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 12, 2008. The Bill was Signed by the Mayor on June 18, 2008.



Patricia Rafferty  
Chief Clerk of the City Council

**Appendix 13**

**M/W/DSBE Participation**

**13.1** The City, pursuant to the policies stated in Mayoral Executive Order 2-05, has established goals and participation ranges for Minority (MBE), Women (WBE) and Disabled (DSBE) Owned Business Enterprises (collectively, “M/W/DSBEs”) in all aspects of the Project. Goals and participation ranges have been developed for both equity participation in the Project and the provision of services related to the Project during the design, construction and operations phases. The Company must submit evidence to the City that it has made maximum practicable effort to meet or exceed these goals and participation ranges. Such evidence shall include the submission of a Solicitation and Commitment Form entitled, “Instructions, Forms and Contract Provisions For the Participation of Minority, Women and Disabled Business Enterprises (M/W/DSBE)” to the City of Philadelphia Minority Business Enterprise Council (MBEC).

**13.2** The Company is committed to compliance with the goals and participation ranges outlined in the RFP and herein. Goals and participation ranges have been identified for five separate areas related to the delivery of Biosolids Services under the Service Agreement:

- Equity
- Interim Operations
- Design
- Construction
- Long Term Operations - Class A Period

The Company shall manage the provision of Biosolids Services in a manner that accomplishes the City’s program goals:

- (A) Meet or exceed the RFP stated M/W/DSBE goals and participation ranges.
- (B) Maximize the business impact on a focused number of M/W/DSBE firms, so as to facilitate increasing their overall capability to provide services to all sectors.
- (C) Consistent with the long term nature of the Service Agreement, utilize M/W/DSBE firms over the 23-25 year term of the project, thereby giving M/W/DSBE firms a stable business volume on which to base future growth.

A breakdown of planned M/W/DSBE participation by project phase is provided as Table 1.

Table 1

**M/W/DSBE PARTICIPATION PLAN**

PROJECT PHASES	PROJECT COSTS TOTAL	ELIGIBLE COSTS TOTAL	DBE DOLLARS	PERIOD	% PART.	RFP GOALS	TOTAL M/W/DSBE DOLLARS
EQUITY	100%	100%	N/A	24 YEARS	30%	15%	N/A
INTERIM OPS	\$16,681,000	\$5,498,607	\$2,749,304	4 YEARS	50%	28-50%	\$10,997,216
DESIGN	\$2,782,386	\$2,782,386	\$1,014,000	LUMP SUM	40%	32-45%	\$1,014,000
CONSTRUCTION	\$39,143,711	\$21,568,068	\$8,450,000	LUMP SUM	39%	33-55%	\$8,450,000
LONG TERMS OPS	\$15,418,000	\$6,715,000	\$1,880,000	20 YEARS	28%	28-50%	\$37,600,000
<b>PROJECT TOTAL</b>							<b>\$58,061,216</b>

**13.3 M/W/DSBE Participation Submittal Schedule**

Unlike traditional construction or service projects, this Project is utilizing a Design/Build/Own/Operate (DBOO) procurement approach. Not all of the design, engineering and permit elements necessary to establish the final scope of work are available at the date of execution of the Service Agreement. More specific M/W/DSBE participation, therefore, will be submitted to MBEC on the following schedule:

Estimated Date	Nov. 2004 (completed)	April. 2006	Oct. 2007	Oct. 2009
Equity	At RFP			
Interim Operations		At Contract Execution		
Design		At Contract Execution		
Construction			Prior to Start of Construction	
Long-Term Operations Class A Period				Prior to Start of Class A Operations

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**13.4 Equity Participation.** Equity participation means participation which constitutes beneficial ownership by MBEs and WBEs in the Company. Equity Participation was previously submitted and accepted by MBEC during the RFP process. Subsequent to being selected for negotiations, the operating agreement for the Company, Philadelphia Biosolids Services LLC, was filed documenting M/W/DSBE equity participation of 30% as follows:

<b>Firm</b>	<b>Commitment</b>
McKissack & McKissack (WBE) 721 Chestnut Street Philadelphia, PA 19106	20% Equity
Len Parker & Associates (M-DBE) 40 W. Evergreen Avenue Philadelphia, PA 19118	10% Equity

All terms for the LLC have been agreed between the three equity members.

**13.5 Interim Operations.** PBS will utilize the services of Len Parker & Associates (LPA) to manage M/W/DSBEs during the Interim Operations. LPA will provide all outsourced dispatch and transportation services required by Company. LPA will solicit transport services to achieve 50% participation from Philadelphia Certified M/W/DSBE firms from the various DBE firms on the following list:

Alpha Waste Hauling 5 Blue Spruce Drive Erial, NJ 08081 Dorian Evans 267-718-0031	Global Remediation Technology 1380 Barrowdale Road Rydale, PA 19046 Robert Henderson 215-740-8039
Hank Beasley Trucking # 8 Mark Anthony Circle Morrisville, PA 19067 Hank Beasley 215-736-1251	J.K.T. Contractor and Development 242 South 51 <sup>st</sup> Street Philadelphia, PA 19139 Charles Hannah, Jr. 215-389-4664
Disposal Corporation of America 3433 Moore Street Philadelphia, PA 19145 Ellen Ryan 215-463-2528	Jacobs Contracting Services 320 W. Decatur Avenue Pleasantville, NJ 08324 609-484-0064

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LPA is in the process of obtaining quotes and securing subcontracts from this list of firms.

**13.6 Design.** McKissack & McKissack will be providing Design oversight for the Company (as the owner's representative). Company's primary design subcontractor, CH2M Hill, will be responsible for meeting Project Design M/W/DSBEs goals of 34% - 45%. CH2M Hill has initiated meetings and discussions relative to scope of work, project requirements and preliminary participation percentages with the following certified M/W/DSBE firms:

CH Planning (MBE and WBE)  
1429 Walnut Street, Suite 1601  
Philadelphia, PA 19102

UCI Architects, Incorporated (MBE)  
1630 Pine Street  
Philadelphia, PA 19103

ANG Associates, Incorporated (MBE)  
1341 N. Delaware Avenue, Suite 500  
Philadelphia, PA 19125

Hunt Engineering Company (WDBE)  
18 East King Street  
Malvern, PA 19355

The engineering work scope anticipated for the above firms is currently estimated at 40% of the total Design value of the Project. Table 2 provides the anticipated value of Design services provided by M/W/DSBEs and Table 3 provides the anticipated allocation of Design tasks. Final submittals will be made to MBEC for its review prior to commencement of Design work. Upon agreement of a mutually acceptable scope of work, professional services contracts will be executed with the certified M/W/DSBE firm(s).

**Table 2**

Scope	Estimated Percentage	Estimated Range
1. Permitting	2% - 3%	\$45k - \$75k
2. Survey	1% - 2%	\$25k - \$50k
3. Design Services & Services During Construction	29% - 34%	\$725k - \$840k
- Civil		
- Structural		
- Architectural		
- Building Services		
- Electrical		
4. PBS Design Override	8%	\$219k
<b>Total:</b>	<b>40% - 48%</b>	<b>\$1.014M - \$1.184M</b>

Table 3

Company Name	Address	Industry Type	DBE Certification
CH Planning Charnelle Hicks	1429 Walnut Street Philadelphia, PA 19102	Permitting	MBE and WBE
UCI Architects Ignatius Wang	1630 Pine Street Philadelphia, PA 19103	Architectural	DBE
ANG Associates, Inc. Charles Ang	1341 N. Delaware Ave., Suite 500 Philadelphia, PA 19125	Structural/Electrical/ Building Services	MBE
Hunt Engineering Co. Christine Hunt	18 East King Street Malvern, PA 19355	Survey/Civil	WBE

**13.7 Construction.** During the construction phase of the BRC project, the Company through its Design/Build subcontractor, CH2M Hill/Whiting Turner Joint Venture (JV) will continue to work closely with the MBEC to identify certified M/W/DSBEs for participation in construction work. CH2M Hill/Whiting Turner are coordinating with Len Parker Associates in the development of mechanical, plumbing and HVAC work scopes for the Project. Additionally, the JV has developed a list of firms for solicitation with the intent of identifying key M/W/DSBE firms for a competitive solicitation of work scopes presently under development.

The proposed participation for Construction will be submitted to MBEC prior to the commencement of Construction work. Upon agreement of a mutually acceptable scope of work and acceptable prequalification of firms, construction subcontracts will be executed with the selected certified M/W/DSBE firm(s).

Table 4 presents the Company's estimated scope of Construction work for all M/W/DSBE firms. Table 5 is a list of certified M/W/DSBE firms identified as qualifying for subcontract work. Since the commencement of Construction will likely be no earlier than 18 months following execution of the Service Agreement, the Company looks forward to receiving MBEC input for identifying additional qualified M/W/DSBE construction firms.

**Table 4**  
**Estimated Scope of Construction Work**

Scope	Estimated Percentage	Estimated Range
Mechanical/HVAC/Plumbing		\$3.9M - \$4.5M
Demolition		\$500k - \$600k
Concrete/Civil		\$950k - \$1.2M
Civil/UG Utilities		\$700k - \$800k
Building Structural		\$2.4M - \$3M
PBS - Construction Oversight		\$1.5M
<b>Total:</b>	<b>33% - 39%</b>	<b>\$8.45M - \$10.1M</b>

**Table 5**  
**M/W/DSBE Construction Firms**

Company Name	Address	Industry Type	DBE Certification
<b>Len Parker Associates, Inc.</b> Len Parker	718 Germantown Pike Lafayette Hill, PA 19118	Mech/HVAC/Plumb	M-DBE
<b>Torrado Construction Company, Inc.</b> Luis Torrado	3311-13 E. Thompson Street Philadelphia, PA 19134	Demolition Concrete/Civil	M-DBE
<b>ABC Construction Company, Inc.</b> Kimberly Nugent	714 Dunksferry Road #2 Bensalem, PA 19020	Demolition Concrete/Civil	W-DBE
<b>Molly Construction Company</b> Melinda De Nofa	1137 E. Venango Street Philadelphia, PA 19134	Demolition Concrete/Civil	W-DBE
<b>Site Contractors, Inc.</b> Theresa DiNatale	456 Highland Drive Mays Landing, NJ 08330	Demolition Concrete/Civil	W-DBE
<b>C &amp; M Contractors</b> Michael Wooten	1816 W. Stiles Philadelphia, PA 19121	Demolition Concrete/Civil	M-DBE
<b>Riddick &amp; Riddick General Contractors</b> Kim Riddick	945 E. Church Lane Philadelphia, PA 19138	Demolition Concrete/Civil	M-DBE
<b>Building Restoration, Inc.</b> Sidney H. Biddle	1025 Washington Lane Rydal, PA 19046	Civil/Concrete	W-DBE
<b>Cornwells Construction Company, Inc.</b>	1340 Cornwells Avenue	Civil/Concrete	W-DBE

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Helen Visono	Bensalem, PA 19020		
<b>Verrazano Builders</b> Frank Orman	3085 Mill Road, PO Box 932 Worcester, PA 19490	Concrete/Building	DS-DBE
<b>Perryman Building &amp; Construction</b> Angelo Perryman	4548 Market Street Philadelphia, PA 19139	Concrete/Building	M-DBE
<b>Wu &amp; Associates, Inc.</b> Raymond Wu	597 Deer Road Cherry Hill, NJ 08034	Concrete/Building	M-DBE
<b>Cruz, Incorporated</b> Luis Cruz	127 W. Susquehanna Ave Philadelphia, PA 19122	Civil/Exc/U.G. Utilities	M-DBE

**13.8 Long-Term Operations.** The Company's long-term operations subcontractor, Synagro, Inc., will meet with MBEC prior to start-up of the Class A Facility to review and submit its M/W/DSBE plan for the 20-year Biosolids Services. Synagro will utilize the services of Len Parker & Associates (LPA) to manage M/W/DSBE firms during the Long-Term Operations. LPA will provide transportation, maintenance and supply services required by the Company. LPA will solicit services from Philadelphia Certified M/W/DSBE firms from Table 6 and Table 7.

**Table 6**

**Transportation**

Alpha Waste Hauling  
5 Blue Spruce Drive  
Erial, NJ 08081  
Dorian Evans  
267-718-0031

Global Remediation Technology  
1380 Barrowdale Road  
Rydale, PA 19046  
Robert Henderson  
215-740-8039

Hank Beasley Trucking  
# 8 Mark Anthony Circle  
Morrisville, PA 19067  
Hank Beasley  
215-736-1251

J.K.T. Contractor and Development  
242 South 51<sup>st</sup> Street  
Philadelphia, PA 19139  
Charles Hannah, Jr.  
215-389-4664

**Table 7**

**Janitorial/Maintenance Services**

Disposal Corporation of America  
3433 Moore Street  
Philadelphia, PA 19145  
Ellen Ryan  
215-463-2528

Jacobs Contracting Services  
320 W. Decatur Avenue  
Pleasantville, NJ 08324  
609-484-0064

Industrial Commercial Clean  
64 Woodstone Drive  
Voorhees, NJ 08043  
Kim Epps-Jordan  
856-627-1075

L'mours Professional  
6304 N. 6<sup>th</sup> Street  
Philadelphia, PA 19126  
Jerry Wilson  
215-549-7072

Team Clean Inc.  
Naval Business Center, Bldg. 6  
4900 S. Broad Street  
Philadelphia, PA 19146  
Donna Ali  
267-514-8326

Additional categories being considered are uniform and other miscellaneous supply items.