



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 140449

Introduced May 15, 2014

Councilmember Reynolds Brown and Council President Clarke

**Referred to the
Committee on Transportation and Public Utilities**

AN ORDINANCE

Authorizing the Procurement Commissioner, on behalf of the City, to enter into an agreement with Bicycle Transit Systems for the delivery of a bicycle sharing system under certain terms and conditions.

WHEREAS, The City is committed to promoting environmentally responsible transportation initiatives and to supporting alternative modes of transportation, including bicycles; and

WHEREAS, The Philadelphia City Council adopted Resolutions 080581 and 080588 to conduct hearings and request a report about the feasibility of a bicycle sharing system; and

WHEREAS, The City received a bicycle share system feasibility study for Philadelphia in 2009; and

WHEREAS, The City has evaluated the bicycle sharing systems that have been implemented in cities in the United States and in other countries; and

WHEREAS, The City has determined that a bicycle sharing system will enhance the existing public transportation system; and

WHEREAS, The City has determined that a bicycle sharing system can help reduce dependency on automobiles, particularly for short trips, thereby reducing traffic congestion, vehicle emissions, and the demand for parking; and

WHEREAS, The City has determined that residents with low incomes stand to benefit the most from a new low-cost transportation option; and

WHEREAS, The bicycle sharing system will from the time of launch service neighborhoods

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beyond the business district, specifically seeking to provide a convenient and affordable transportation option in neighborhoods with many residents with low incomes; and

WHEREAS, The City commissioned a bicycle sharing system strategic business plan which was completed in June 2013; and

WHEREAS, The City issued a request for proposals in September 2013 and has evaluated the proposals of qualified providers of bicycle sharing systems; and

WHEREAS, The City has determined that Bicycle Transit Systems (the “Provider”) can provide the Bicycle Sharing System (“System”) that provides the best value for the City; and

WHEREAS, The Provider will provide all equipment and technology necessary for the System and Provider will plan, assemble, install, develop, implement and operate such equipment and technology, and to provide on-going operational support and maintenance of the System; and

WHEREAS, The Mayor and City Council have committed Three Million Dollars (\$3,000,000) of the City’s Capital Funds to provide initial funding for the System; 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 an agreement with Bicycle Transit Systems for the provision of all equipment and technology necessary for a Bicycle Sharing System, and that requires Bicycle Transit Systems to plan, assemble, install, develop, implement and operate such equipment and technology, and to provide on-going operational support and maintenance of the System, pursuant to terms substantially as set forth in the document attached hereto as Exhibit “A.”

SECTION 2. The City Solicitor is hereby authorized to review and to approve the agreement 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.

EXHIBIT A

Term Sheet for Philadelphia Bike Share System

Agreement Parties

- Bicycle Transit Systems, Inc., a Delaware corporation with its principal place of business located in Philadelphia, PA (Bike Transit), and
- The City of Philadelphia, acting through the Mayor's Office of Transportation and Utilities (City).

Scope of Work

- To provide, install, implement, operate and maintain a Bicycle Sharing System (System) for use by the public. Bike Transit must (i) provide to the City the System, including Bicycles, Stations, and related computer hardware, and provide (or require its subcontractor to provide) to the City licenses for the software, to enable use of the System by the City and the public as contemplated in the Agreement, (ii) install the Stations, at sites to be determined by the Provider in consultation with the City, subject to the terms of the Agreement, and deliver all Bicycles, and provide all integration services including Computer Hardware and Software to make the System fully operational, in compliance with the terms of the Agreement, (iii) provide all ancillary services for the launch and operation of the System, including developing a Website to be used by the public, Marketing Activity, training on the System for City personnel, (iv) operate, support and maintain the System, and (v) provide other Deliverables .

Sub-Contractors:

- B-Cycle of Waterloo Wisconsin is responsible for providing the bikes, stations and back-end technology to operate the system
- Toole Design (WBE) of Silver Spring, MD is responsible for system level planning
- Rodriguez Consulting (MBE) of Philadelphia, PA is responsible for station site planning.
- USA Staffing (M/WBE) of Philadelphia, PA will provide temporary staffing services as required.
- SK Design(WBE) of Philadelphia, PA will provide graphic design services as required.

Economic Opportunity Plan

- The project is subject to an Economic Opportunity Plan which will provide meaningful opportunities for women and minority person owned businesses identified above.

Length of Term

- Four years with up to three one year renewals at the City's sole discretion. Maximum length seven years.

System Launch Date

- April 2015

Capital Funds Committed to the project

- The City will provide up to \$3 Million to Bike Transit for the delivery, planning and installation of the System. The City at its sole discretion may provide additional funds if such funds are in a City-approved budget.

System Expansion (Additional funding)

- The City may expand the System. (Additional funding from PennDOT, USDOT and private foundations is expected to support capital investments and activation of stations. Currently more than \$10 million of grant applications are under consideration.)

Ownership of Equipment

- The City is the owner of City-purchased Equipment, including without limitation Bicycles, Docks, Terminals, Stations, Station batteries, Bicycle and Station spare parts and all necessary cables, wires and ancillary components.

Indemnification

- Provider is required to indemnify, defend and hold harmless the City, its officers, employees and agents, from and against any and all losses, costs (including, but not limited to, litigation and settlement costs and counsel fees and expenses), claims, suits, actions, damages, liability and expenses, occasioned wholly or in part by Provider's act or omission or negligence or fault or the act or omission or negligence or fault of Provider's agents, Subcontractors, independent contractors, suppliers, or employees.

Insurance

- Provider provides insurance consistent with City standards. The City is an additional insured for commercial liability and the City-owned equipment is insured for loss.