

AN ORDINANCE **98373**

ACCEPTING THE PROPOSAL OF SMARTE CARTE, INC. AND AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR AGREEMENT FOR THE CONTINUED OPERATION OF THE LUGGAGE CART AND LOCKER CONCESSION AT SAN ANTONIO INTERNATIONAL AIRPORT EFFECTIVE NOVEMBER 1, 2003 FOR TOTAL MINIMUM ANNUAL GUARANTEE REVENUES OF \$25,000.00 PER YEAR, FOR A TOTAL CONTRACT AMOUNT OF \$125,000.00.

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WHEREAS, proposals were solicited by the City of San Antonio (“City”) for the operation of a luggage cart and locker concession at San Antonio International Airport; and

WHEREAS, on or about April 1, 2003 two (2) proposals were received in response to the City’s request; and

WHEREAS, the proposal of Smarte Carte, Inc. was reviewed and evaluated by City staff, judged to be acceptable and is therefore recommended for approval; and

WHEREAS, the City Council now wishes to grant Smarte Carte, Inc. the right to operate a luggage cart and locker concession in Terminals 1 and 2 at San Antonio International Airport; and

WHEREAS, it is now necessary to accept the proposal and execute a San Antonio International Airport Standard Concession Agreement; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The proposal of Smarte Carte, Inc. was received in response to Request for Proposals for the operation of a luggage cart and locker concession in Terminals 1 and 2 of the San Antonio International Airport, is hereby selected for negotiation. A copy of the Proposal is on file in the Office of the Aviation Director and its terms are incorporated herein by reference.

SECTION 2. In the event the San Antonio International Airport Standard Concession Agreement for operation of a luggage cart and locker concession by Smarte Carte, Inc. which is attached hereto in substantial form and incorporated by reference herein, IS NOT signed by all parties thereto, within NINETY (90) days from the date of this Ordinance, then it shall become NULL and VOID, and any further signed documents must again be considered by City Council.

SECTION 3. If within the next NINETY (90) DAYS, the San Antonio International Airport Standard Concession Agreement is signed by Smarte Carte, Inc., in substantially the same form and content as the Standard Concession Agreement, then the City Manager or her designee is hereby authorized to execute such Concession Agreement, without further City Council action. Should the Concessionaire sign a Concession Agreement that varies substantially from the form and content of the attached Standard Concession Agreement, then such varied Concession Agreement must be subsequently considered and approved by City Council.

SECTION 4. The Standard Concession Agreement with Smarte Carte, Inc. provides for the operation of a luggage cart and locker concession in Terminals 1 and 2 at San Antonio International Airport for a five (5) year term. The Concessionaire will pay the City the greater of 17% of sales for Years 1 and 2 and 20% of sales for Years 3-5 or a Minimum Annual Guarantee of \$25,000.00 per year for each contract year.

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. The proceeds of the agreement shall be deposited into Fund No. 51-002 entitled "Airports Funds," Index Code 036129, entitled "Baggage Carts".

SECTION 7. This Ordinance shall be effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED THIS 30th day of October, 2003.



M A Y O R
EDWARD D. GARZA

ATTEST: *Galanda L. Ledecore*
City Clerk

APPROVED AS TO FORM: *M Zentucke*
for City Attorney