

AN ORDINANCE 101782

**AUTHORIZING THE EXTENSION OF THE TERM OF THE SAN ANTONIO INTERNATIONAL AIRPORT CONCESSION MANAGEMENT CONTRACT BETWEEN WESTFIELD CONCESSION MANAGEMENT, INC. AND THE CITY OF SAN ANTONIO FOR A PERIOD OF SIXTY-TWO (62) DAYS, UNDER THE SAME TERMS AND CONDITIONS AS THE CURRENT CONTRACT, AND AT THE DISCRETION OF THE CITY TO BE FURTHER EXTENDED, IF NECESSARY, ON A MONTH TO MONTH BASIS, NOT TO EXCEED AN ADDITIONAL THREE MONTHS.**

\* \* \* \* \*

**WHEREAS**, on September 27, 1999, the City entered into a San Antonio International Airport Concessions Management Agreement (hereinafter called the "Original Agreement") with Westfield Concession Management, Inc.(hereinafter called "Manager"), for provision of Concessions Management Services at the San Antonio International Airport, as authorized and approved by Ordinance No. 90482 on September 16, 1999; and

**WHEREAS**, the Original Agreement expired by its terms on September 30, 2005, and Manager has continued to provide services on a month-to-month basis, pending the results of a pending Request for Proposal process; and

**WHEREAS**, in order allow time to complete the pending process and to assure seamless service to the traveling public, it is desirable to extend the Original Agreement for a specified period;  
**NOW THEREFORE:**

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

**SECTION 1.** The City Manager or her designee, is authorized to execute a contract extension with Westfield Concession Management, Inc. in a form substantially similar to that attached hereto. A copy of the contract extension is attached hereto and incorporated by reference for all purposes as Attachment 1.

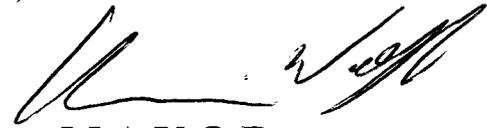
**SECTION 2.** Funds are available in FY06 budget in Fund 51001000 entitled "Airport Operations", Cost Center 3301010003, entitled "Finance and Administration", General Ledger 5201040, entitled "Fees to Professional Contractors".

**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

WHD  
12/01/05  
Item No. 54

**SECTION 4.** This Ordinance shall be effective on and after the tenth (10<sup>th</sup>) day after passage.

**PASSED AND APPROVED** this 1<sup>st</sup> day of December, 2005.

  
MAYOR  
PHIL HARDBERGER

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney

Attachment 1.

**AMENDMENT OF SAN ANTONIO INTERNATIONAL AIRPORT  
CONCESSION MANAGEMENT CONTRACT**

This Amendment of the San Antonio International Airport Concession Management Contract ("Amendment"), is entered into this the \_\_\_\_ day of \_\_\_\_\_, 2005, by and between the City of San Antonio, a Texas Municipal Corporation ("City"), acting by and through its City Manager, pursuant to Ordinance No. \_\_\_\_\_ passed and approved by the City Council on \_\_\_\_\_, 2005, and Westfield Concession Management, Inc., acting by and through its duly authorized corporate representative, as set out below. ("Manager"). **WITNESSETH:**

**WHEREAS**, a San Antonio International Airport Concessions Management Agreement (hereinafter called the "Original Agreement") for provision of Concessions Management Services at the San Antonio International Airport, authorized and approved by Ordinance No. 90482 on September 16, 1999, was entered into with Westfield Concession Management, Inc. on September 27, 1999; and

**WHEREAS**, the Original Agreement expired by its terms on September 30, 2005, and Manager has continued to provide services on a month-to-month basis, pending its re-selection, or the selection of a new Manager, through evaluation of Proposals solicited by the City; and

**WHEREAS**, there has been a procedural delay in the selection process and City of San Antonio in order to assure seamless service to the traveling public, and in consideration of Manager's planning needs, desires to extend the Contract for a specified period; **NOW THEREFORE:**

In consideration of the terms, covenants, agreements and demises herein contained, and in consideration of other good and valuable consideration, each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement entered into by and between the City and Manager is amended as follows:

1.0 The term of the Original Agreement shall be extended for a period of sixty-two (62) days, beginning on the first day of December, 2005 and continuing until January 31, 2006. It is agreed and understood that in the event of a continued interim need for provision of Concession Management Services by Manager, after expiration of this initial sixty-two (62) day extension, the term of the agreement shall continue to be extended, on a month to month basis, until terminated at the discretion of the City. City agrees, in the event of such interim continuation of service, to pay the Manager in accordance with the terms in effect at the execution of this Extension.

2.0 Except as amended hereby, all other provisions of the Original Agreement are hereby retained in their entirety and remain unchanged.

**EXECUTED and AGREED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

**CITY OF SAN ANTONIO, TEXAS**

\_\_\_\_\_  
\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Sheryl Sculley, City Manager

APPROVED AS TO FORM:

**WESTFIELD CONCESSION MANAGEMENT, INC.**

By: \_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
George Giaquinto, Jr.

Federal Tax Identification #: \_\_\_\_\_

**CITY OF SAN ANTONIO  
AVIATION DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

CONSENT AGENDA  
ITEM NO. 54

**TO:** Mayor and City Council  
**FROM:** Mark H. Webb, Interim Aviation Director  
**SUBJECT:** Extension of Concession Management Contract  
**DATE:** December 1, 2005

**SUMMARY AND RECOMMENDATIONS**

An ordinance authorizing the extension of the term of the San Antonio International Airport Concession Management Contract with Westfield Concession Management, Inc., for a period of sixty-two (62) days, beginning December 1, 2005 and continuing until January 31, 2006, and, at the discretion of the Interim Aviation Director, to be further extended on a month to month basis, not to exceed an additional 3 months, under the same terms and conditions.

Staff recommends the approval of this extension.

**BACKGROUND INFORMATION**

The San Antonio International Airport Concession Management Agreement ("Concession Management Agreement") with Westfield Concession Management, Inc. ("Westfield") commenced on October 1, 1999 and expired on September 30, 2005. It was continued through November 30, 2005 by mutual agreement of the parties, pending the completion of the Request for Proposal (RFP) process to select a concession management company for a new contract period. There has been a procedural delay in the selection process and the City of San Antonio, in order to assure seamless service to the traveling public and in consideration of Westfield's planning needs, desires to extend the Contract for a specified period until the completion of the new RFP process. It is anticipated the Request for Proposal process should be completed during this extension time frame. However, should the process require additional time, the contract may be extended on a month to month basis, not to exceed an additional 3 months, by the Interim Aviation Director.

This action would continue the contract under the same terms and conditions as exist under the current contract.

**POLICY ANALYSIS**

This action is consistent with the City's policy to extend contracts as needed to maintain services to its citizens.

**FISCAL IMPACT**

The action continues the financial obligations of the City through the end of the extended term under the same terms and conditions as the existing Contract, which is a payment of 20% of collected airport concession revenue. This expenditure is part of the approved operating budget.

**COORDINATION**

This item has been coordinated with the City Attorney's Office.

**SUPPLEMENTARY COMMENTS**

A Discretionary Contracts Disclosure form is attached.



Mark H. Webb  
Interim Aviation Director



Roland A. Lozano  
Assistant to the City Manager



Sheryl Sculley  
City Manager