

61130

January 30, 2018

TO: Honorable Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation

SUBJECT: Authority to amend a license agreement with Accredited Limousine Service, LLC (“Accredited”) for the operation of a Taxi and Limousine concession in the main terminal building of the Westchester County Airport for the period from April 4, 2016 through April 3, 2021 in order to reduce the amount of the monthly gross revenue payable to the County by Accredited from thirteen percent (13%) to five percent (5%), retroactive to September 1, 2017. (License Agreement No. WCA 16003)

By resolution approved on March 31, 2016 (the “March 31st Resolution”), your Honorable Board authorized the County of Westchester (the “County”), acting by and through the Westchester County Department of Public Works and Transportation (the “Department”), to enter into a license agreement with Accredited Limousine Service, LLC (“Accredited”) for the operation of the Taxi and Limousine concession in the main terminal building of the Westchester County Airport (the “Airport”) for the period from April 4, 2016 through April 3, 2021 (the “Agreement”). The March 31st Resolution further provided, *inter alia*, that in consideration for the grant of license, Accredited would pay the County a minimum annual guaranteed license fee of \$20,000.00 as well as a fee of thirteen percent (13%) of its monthly gross revenue from its operation at the Airport. The Agreement was subsequently executed.

On June 29, 2017, legislation signed by Gov. Andrew Cuomo went into effect, allowing Uber and Lyft to operate in Westchester and other locations. As a consequence of this added competition, which was not anticipated at the time the March 31st resolution was approved, Accredited has experienced a significant reduction in revenue, making the current fee sharing arrangement (whereby Accredited must pay the County thirteen percent (13%) of its gross revenue) prohibitive. The parties now desire to amend the Agreement in order to reduce the amount of the monthly gross revenue payable by Accredited to the County from thirteen percent (13%) to five percent (5%). Accordingly, authority is respectfully requested to amend the Agreement with Accredited for the operation of the Taxi and Limousine concession in the main terminal building of the Airport for the period from April 4, 2016 through April 3, 2021 in order to reduce the amount of the monthly gross revenue payable to the County by Accredited from thirteen percent (13%) to five percent (5%), retroactive to September 1, 2017.

Board of Acquisition and Contract
First Amendment to License Agreement No. WCA 16003
Accredited Limousine Service, LLC
Taxi and Limousine Concession in the Main Terminal Building
Westchester County Airport
Page 2

Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties.

Authority to exempt the amendment of this Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof, has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

The objective of this Agreement is to provide revenue to the Airport as well as provide taxi and limousine services to travelers and employees at the Airport. The Agreement will be monitored by the Department and its airport management firm, AFCA Airports, which will ensure the proper operation of the concessions, and monitor receipt of vendor payments.

This agreement is in the best interest of the County and the traveling public. Therefore, we recommend approval of the annexed resolution.

HJG/jpg
Attachment

RESOLUTION

License Agreement No. WCA 16003

Upon a communication from the Commissioner of Public Works

WHEREAS, by resolution approved on March 31, 2016 (the “March 31st Resolution”), this Honorable Board authorized the County of Westchester (the “County”), acting by and through the Westchester County Department of Public Works and Transportation (the “Department”), to enter into a license agreement with Accredited Limousine Service, LLC (“Accredited”) for the operation of the Taxi and Limousine concession in the main terminal building of the Westchester County Airport (the “Airport”) for the period from April 4, 2016 through April 3, 2021 (the “Agreement”); and

WHEREAS, On June 29, 2017, legislation signed by Gov. Andrew Cuomo went into effect, allowing Uber and Lyft to operate in Westchester and other locations; and

WHEREAS, as a consequence of this added competition, which was not anticipated at the time the March 31st Resolution was approved, Accredited has experienced a significant reduction in revenue, making the current fee sharing arrangement (whereby Accredited must pay the County thirteen percent (13%) of its gross revenue) prohibitive; and

WHEREAS, in order for Accredited to continue to operate profitably and remain at the Airport in service of passengers seeking transportation services, the parties desire to amend the Agreement in order to reduce the amount of the monthly gross revenue payable to the County by Accredited; now, therefore, be it be it

RESOLVED, that the County is hereby authorized to amend the Agreement with Accredited for the operation of the Taxi and Limousine concession in the main terminal building at the Airport for the period from April 4, 2016 through April 3, 2021, in order to reduce the amount of the monthly gross revenue payable to the County by Accredited from thirteen percent (13%) to five percent (5%), retroactive to September 1, 2017; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties; and be it further

RESOLUTION

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this resolution.

License Agreement No. WCA 16003

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
	161	44	4110	9096		(\$17,200.00) 2017
	161	44	4110	9096		(\$51,600.00) 2018
	161	44	4110	9096		(\$51,600.00) 2019
	161	44	4110	9096		(\$51,600.00) 2020
	161	44	4110	9096		(\$12,900.00) 2021

Budget Funding Year(s) 2017 - 2021 Start Date 09/01/2017 End Date 04/03/2021
 (must match resolution)

Funding Source: Tax Dollars _____
 State Aid _____
\$ (184,900.00) Federal Aid _____
 (must match resolution)
 Other **Airport Special Revenue Fund**

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/2018 - LISA MRIJAJ, SECRETARY