

86499

To: Honorable Board of Acquisition and Contract
From: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation
Date: July 27, 2021
Re: Authority to amend an agreement with AFCO AvPorts Management, LLC by changing the name of the entity from AFCO AvPorts Management, LLC to Avports LLC

On May 30, 1996, your Honorable Board authorized the County of Westchester (the "County") to enter into a contract with Johnson Controls World Services, Inc. ("Johnson Controls") to provide management and operation services at Westchester County Airport (the "Airport") for a period of up to twenty-six (26) years. An agreement, dated June 26, 1997 (the "Agreement"), was subsequently executed by the parties.

On June 6, 1997, your Honorable Board authorized the assignment of the Agreement from Johnson Controls to American Port Services, Inc. ("Amports"). The Assignment of Agreement, dated July 25, 1997, was thereafter executed by all parties.

On December 12, 2002, your Honorable Board authorized the assignment of the Agreement from Amports to Macquarie Aviation North America Inc. ("Macquarie"). The Assignment of Agreement, dated December 12, 2002, was executed by all parties.

On November 20, 2008, your Honorable Board authorized the assignment of the Agreement from Macquarie to AFCO AvPorts Management, LLC ("AvPorts"). The Consent and Agreement, dated December 18, 2008, was thereafter executed by all parties. Aviation Facilities Company, Inc. ("AFCO") guaranteed all of Avports' obligations under the Agreement.

On July 12, 2018, your Honorable Board authorized the County to consent to the acquisition of AvPorts by an entity controlled by West Street Global Infrastructure Partners III, and the substitution of Jackson Parent, LP for AFCO as the guarantor. The Consent and Agreement dated July 16, 2018 was thereafter executed by all parties.

The County was recently notified by AvPorts that on December 4, 2020, AvPorts amended its Certificate of Formation to change the name of the limited liability company from AFCO AvPorts Management, LLC to Avports LLC.

Accordingly, authority is now requested to amend the Agreement with AFCO AvPorts Management, LLC, as previously assigned and modified, for the limited purpose of reflecting the entity's name change from AFCO AvPorts Management, LLC to Avports LLC.

Except as otherwise specifically amended hereby, all remaining terms and conditions of the Agreement, as previously assigned and modified, will remain in full force and effect.

Approval of the attached Resolution by your Honorable Board is most respectfully requested.

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with AFCO AvPorts Management, LLC, as previously assigned and modified, to provide management and operation services at Westchester County Airport for a period of up to twenty-six (26) years, by reflecting the entity's name change from AFCO AvPorts Management, LLC, to Avports LLC; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions of the Agreement, as previously assigned and modified, shall remain in full force and effect; and be it further

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

| Account to be Charged/Credited | Fund | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
|--------------------------------|------|-------|--|--------------------|---------------|---------|
| | | | N/A | | | N/A |
| | | | | | | |

Budget Funding Year(s): _____
(must match resolution)

Start Date: _____

End Date: _____

Funding Source: Tax Dollars N/A
State Aid _____
Federal Aid _____
Other _____

\$ _____
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/19/2021 BY RAYMOND SCULKY, SECRETARY