

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** AIRPORT

**AGENDA DATE:** June 28, 2011

**CONTACT PERSON NAME AND PHONE NUMBER:** Monica Lombraña/780-4724

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

This item is a Resolution to Authorize the City Manager to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and Simply Wheelz, LLC dba Advantage Rent A Car to extend the term of the agreement through November 30, 2011.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**  
The current Vehicle Rental Concession Agreements expire on June 30, 2011, and the Department of Aviation is requesting to extend the agreement through November 30, 2011, to complete the solicitation process for a new agreement. This additional time is required because the development of a consolidated rental car facility at the Airport has extended the preparation time for the solicitation.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

December 1, 2009 – Awarded Solicitation 2010-082R Vehicle Rental Concessionaire to one (1) responsive bidder, Simply Wheelz, LLC dba Advantage Rent A Car.

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?**

N/A – This is a revenue-generating item

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**BOARD / COMMISSION ACTION:** N/A

Enter appropriate comments or N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

  
\_\_\_\_\_  
Monica Lombraña, A.A.E.  
Director of Aviation

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and Simply Wheelz, LLC dba Advantage Rent A Car to extend the term of the agreement through Nov. 30, 2011.

APPROVED the \_\_\_\_\_ day of \_\_\_\_\_ 2011.

**CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Theresa Cullen  
Deputy City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Monica Lombraña, A.A.E.  
Director of Aviation

STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

**FIRST AMENDMENT TO THE VEHICLE  
RENTAL CONCESSION AGREEMENT**

This First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso, a municipal corporation existing under the laws of the State of Texas, (“City”) and Simply Wheelz, LLC dba Advantage Rent A Car, a corporation under the laws of the State of Delaware, (“Concessionaire”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011.

**WHEREAS**, City entered into a Vehicle Rental Concession Agreement with the Concessionaire, with an effective date of Dec.15, 2009 (“Agreement”);

**WHEREAS**, City exercised the option to extend the Agreement for an additional one year period through June 30, 2011;

**WHEREAS**, City is preparing a solicitation for Vehicle Rental Concessionaire at the El Paso International Airport (“Airport”) to ensure that Airport customers have available to them their choice of varied types of ground transportation services, and the solicitation also identifies the development of a consolidated rental car facility at the Airport which has extended the preparation time for the solicitation; and

**WHEREAS**, City and Concessionaire would like to extend the term of the Agreement for an additional five (5) months through Nov. 30, 2011 to allow for the completion of the solicitation process;

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Article I, Term of Agreement, is amended to add *a new second paragraph which reflects adding* an additional option to extend the Agreement under Section 1.02 as follows:

**Section 1.02 Extension of Term.**  
*(second paragraph)*

In the event that Concessionaire is not in default of any terms of this Agreement during the one-year extension, City and Concessionaire can extend the Agreement for an additional term of five (5) months through Nov. 30, 2011 (“Second Extension”). City and Concessionaire acknowledge that they are extending this Agreement for an additional five (5) months through Nov. 30, 2011 by the complete execution of this First Amendment to the Vehicle Rental Concession Agreement. During the Second Extension period, Concessionaire shall pay the greater of ten percent (10%) of Gross Revenue or eighty-five percent (85%) of the Minimum Annual Guarantee, as defined herein, for the most recent, complete Contract Year, as the Concession Fee. During the Second

Extension period, Concessionaire shall also pay all applicable fees and rentals as established by the most recent, complete Contract Year of this Agreement.

- 2. Regardless of the date executed, the Effective Date of this First Amendment to the Vehicle Rental Concession Agreement shall be July 1, 2011.
- 3. Except as expressly modified herein, all other terms and conditions of the Agreement shall remain in full force and effect and shall remain as written.

**IN WITNESS WHEREOF**, this First Amendment to the Vehicle Rental Concession Agreement has been approved by the parties hereto as of the dated first noted above.

**CITY: CITY OF EL PASO**

\_\_\_\_\_  
 Joyce A. Wilson  
 City Manager

**APPROVED AS TO FORM:**

  
 \_\_\_\_\_  
 Theresa Cullen  
 Deputy City Attorney

**APPROVED AS TO CONTENT:**

  
 \_\_\_\_\_  
 Monica Lombraña, A. A. E.  
 Director of Aviation

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS    )**  
   )  
**COUNTY OF EL PASO    )**

This instrument was acknowledged before me on this day of \_\_\_\_\_ 2011 by Joyce A. Wilson, as City Manager of the City of El Paso (City).

\_\_\_\_\_  
 Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

