

ORDINANCE #69089
Board Bill No. 231

An Ordinance recommended and approved by the Board of Estimate and Apportionment authorizing and directing the Director of Airports and the Comptroller of the City of St. Louis (the "City") to enter into and execute on behalf of the City the "First Amendment To Lambert-St. Louis International Airport® ("Airport") Ground Transportation Concession Agreement" (the "First Amendment") to the Ground Transportation Concession Agreement AL-441, between the City and Best Transportation, Inc. (the "Concessionaire") dated June 15, 2009, and authorized by City Ordinance No. 68353, approved June 8, 2009 (the "Agreement"); the First Amendment to the Agreement, which is attached hereto as ATTACHMENT "1" and made a part hereof, was approved by the City's Airport Commission, and its terms are more fully described in Section One of this Ordinance; containing a severability clause; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Director of Airports and the Comptroller for the City of St. Louis (the "City") are hereby authorized and directed to enter into and execute on behalf of the City the "First Amendment To Lambert-St. Louis International Airport® Ground Transportation Concession Agreement" (the "First Amendment") to the Ground Transportation Concession Agreement AL-441, between the City and Best Transportation, Inc. (the "Concessionaire") dated June 15, 2009, and authorized by City Ordinance No. 68353, approved June 8, 2009 (the "Agreement"); the First Amendment to the Agreement, which was approved by the City's Airport Commission, is to read in words and figures as substantially set out in ATTACHMENT "1", and is attached hereto and made a part hereof.

SECTION TWO. The sections, conditions, or provisions of this Ordinance or portions thereof shall be severable. If any section, condition, or provision of this Ordinance or portion thereof is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining sections, conditions, or provisions of this Ordinance.

SECTION THREE. This being an ordinance for the preservation of public peace, health, or safety, it is hereby declared an emergency measure as designed in Article IV, Section 20, of the City's Charter and shall become effective immediately upon its approval by the Mayor of the City.

Attachment "1"
LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT®



**FIRST AMENDMENT TO THE
GROUND TRANSPORTATION CONCESSION AGREEMENT WITH
BEST TRANSPORTATION, INC.
AGREEMENT NO. AL-441**

AL#-441

**FIRST AMENDMENT TO
LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT®
GROUND TRANSPORTATION CONCESSION AGREEMENT**

THIS FIRST AMENDMENT, made entered into this ____ day of _____, 2012 (the "**First Amendment**"), by and between CITY OF ST. LOUIS, a municipal corporation of the State of Missouri ("**City**"), and BEST TRANSPORTATION, INC. (the "**Concessionaire**").

WITNESSETH THAT:

WHEREAS, City now owns, operates and maintains an international airport known as "Lambert-St. Louis International Airport®", located in the County of St. Louis, Missouri ("**Airport**");

WHEREAS, City and Concessionaire are parties to a Concession Agreement (AL#-441) for a Ground Transportation Concession at the Airport dated June 15, 2009 (“Agreement”) authorized by Ordinance 68353, approved June 8, 2009; and

WHEREAS, the parties desire to revise certain terms and conditions of the Agreement to provide clarification regarding the primary vehicles used by the Concessionaire to meet the objectives of the Ground Transportation Concession.

NOW, THEREFORE, for and in consideration of the promises, and of the mutual covenants and agreements herein contained, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the City and the Concessionaire agree to amend the Agreement as follows:

SECTION 1. Section 608. Vehicles. Subsection A. is hereby deleted in its entirety and replaced with the following:

“A. Concessionaire shall provide an adequate number of vehicles to meet the service requirements outlined in Section 601, subject to and in accordance with this Section 608. Concessionaire acknowledges and agrees that the primary vehicles used in performing the Ground Transportation Services contemplated herein shall be vans or minibuses with seating capacities of between 7 and 15 passengers, including the driver. All vehicles shall satisfy the size and weight (including axle weight) restrictions of the Airport’s Ground Transportation Rules and Regulations. Sufficient back-up vehicles must be available at all times to maintain uninterrupted services.”

SECTION 2. All other terms, covenants, and conditions of the Agreement not inconsistent with this First Amendment are hereby ratified, unchanged and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto for themselves, their successors and assigns, have executed this First Amendment the day and year last written below.

BEST TRANSPORTATION, INC. BY:

ATTESTED TO BY:

Title: _____
Date: _____

Title: _____
Date: _____

THE CITY OF ST. LOUIS, MISSOURI, OPERATING LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT®

Pursuant to City Ordinance No. _____ approved _____, 2012.

The foregoing First Amendment was approved by the Airport Commission at its meeting on the ____ day of _____, 2011.

BY: _____
Commission Chairman and Date
Director of Airports

The foregoing First Amendment was approved by the Board of Estimate and Apportionment at its meeting on the _____ day of _____, 2011.

BY: _____
Secretary, Date
Board of Estimate and Apportionment

APPROVED AS TO FORM ONLY BY:

COUNTERSIGNED BY:

City Counselor, Date

Comptroller, City of St. Louis Date

ATTESTED TO BY:

Register,
City of St. Louis

Date

Approved: February 13, 2012