



Broward County

Legislation Details (With Text)

File #: 21-810 **Version:** 1

Status: Agenda Ready

In control: AVIATION DEPARTMENT

On agenda: 6/1/2021 **Final action:** 6/1/2021

Title: MOTION TO TERMINATE FOR CAUSE Operating Agreement for Transportation Network Company Services at Broward County's Fort Lauderdale-Hollywood International Airport and Port Everglades between Broward County and Vibe Direct, LLC d/b/a Vibe Rides, and authorize the Contract Administrator and the Office of the County Attorney to take all necessary administrative legal action.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Notice of Breach, 2. Exhibit 2 - Notice of Breach Extension to Cure, 3. Exhibit 3 - Notice of Termination

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Mark Gale

Department: Aviation

Division: Operations

Information

Requested Action

MOTION TO TERMINATE FOR CAUSE Operating Agreement for Transportation Network Company Services at Broward County's Fort Lauderdale-Hollywood International Airport and Port Everglades between Broward County and Vibe Direct, LLC d/b/a Vibe Rides, and authorize the Contract Administrator and the Office of the County Attorney to take all necessary administrative legal action.

Why Action is Necessary

Article 5 of the Agreement requires the Board of County Commissioners ("Board") action to terminate for cause.

What Action Accomplishes

Terminates the Operating Agreement ("Agreement") for Transportation Network Company Services at Fort Lauderdale-Hollywood International Airport ("Airport") and Port Everglades ("Port") between Broward County ("County") and Vibe Direct, LLC d/b/a Vibe Rides ("Vibe").

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE AVIATION AND PORT EVERGLADES DEPARTMENTS RECOMMEND APPROVAL OF THE ABOVE MOTION.

This action terminates the Agreement for Transportation Network Company Services at the Airport and Port between County and Vibe.

On December 8, 2020 (Item No. 2), the Board approved the Agreement for Transportation Network Company Services at the Airport and the Port between County and Vibe.

The Broward County Aviation Department ("BCAD") provided Vibe with a written notice on February 3, 2021, informing Vibe that they were in breach of the Agreement for failure to provide the County with the required security deposit, company reports, and fees, with a cure date of February 15, 2021. BCAD extended the cure date to March 22, 2021, because Vibe, which is based in Texas, was impacted by a winter storm that resulted in a declaration of emergency.

As of April 20, 2021, the County has not yet received the required security deposit for the Airport and the Port. The Port has not yet received any of Vibe's company reports and the Airport has not yet received Vibe's December 2020 company report. Additionally, Vibe has not yet established the Geofence for the Port as required in the Agreement.

Vibe has represented that it has not provided any TNC Services to the Airport or the Port. Vibe has not yet met the terms of the Agreement; however, Vibe will not be prohibited from applying for a new agreement with the County at a future date.

If approved, this Motion will authorize the Contract Administrator to provide notice to Vibe of the termination of the Agreement.

Source of Additional Information

Mark E. Gale, A.A.E., CEO/Director of Aviation, (954) 359-6199

Jonathan T. Daniels, Chief Executive and Port Director, Port Everglades, (954) 468-3516

Fiscal Impact

Fiscal Impact/Cost Summary

Vibe has not provided TNC Services to the Airport or the Port. Therefore, there is no fiscal impact associated with this action.