



Broward County

Legislation Text

File #: 21-966, Version: 1

Broward County Commission Regular Meeting

Director's Name: Mark Gale

Department: Aviation

Division: Operations

Information

Requested Action

MOTION TO APPROVE Operating Agreement for Transportation Network Company Services at Broward County's Fort Lauderdale-Hollywood International Airport and Port Everglades between Broward County and Opio, LLC d/b/a Zoom Ride, for a five-year term; and authorize the Mayor and Clerk to execute.

Why Action is Necessary

Broward County Board of County Commissioners ("Board") approval is required for all agreements.

What Action Accomplishes

Approves the Operating Agreement ("Agreement") for Transportation Network Company ("TNC") Services at Broward County's Fort Lauderdale-Hollywood International Airport ("FLL") and Port Everglades (the "Port") between Broward County ("County") and Opio LLC d/b/a Zoom Ride ("Zoom").

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

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

This action approves the Agreement for TNC Services at FLL and the Port between the County and Zoom.

Section 627.748, Florida Statutes, states that "TNCs, TNC drivers, TNC vehicles, luxury ground TNCs, luxury ground TNC drivers, and luxury ground TNC vehicles are governed exclusively by state law..." Section 627.748, Florida Statutes then states that it does not "prohibit an airport or seaport from charging reasonable pickup fees consistent with any pickup fees charged to taxicab companies at that airport or seaport for their use of the airport's or seaport's facilities or prohibit the airport or seaport from designating locations for staging, pickup, and other similar operations at the airport or seaport." The Agreement was drafted in accordance with Chapter 627, Florida Statutes.

On January 29, 2019 (Item No. 76), the Board directed all TNC's to utilize a FLL implemented tracking system to accurately track and report pick-up fees at FLL. The County procured a technology-based system called GateKeeper for tracking TNC pick ups and drop-offs of passengers at FLL. Through the Agreement, Zoom has agrees to implement Gatekeeper.

The Agreement grants Zoom a nonexclusive, revocable license to: (i) operate a transportation network business, which is subject to the Agreement and all applicable laws, rules, ordinances, and regulations at FLL and the Port utilizing smart phone mobile application technology to connect passengers with TNC drivers; (ii) permit TNC drivers to transport passengers and their personal baggage to or from FLL and the Port in TNC vehicles; and (iii) permit TNC Drivers to use common-use FLL and the Port roadways for ingress and egress to and from FLL and the Port. The term of the Agreement will commence upon approval by the Board and will terminate five years thereafter.

For the privilege of conducting its business pursuant to the nonexclusive Agreement, Zoom agrees to pay the County \$3.00 for each pick-up at FLL, as required by Section 39.2 of the Administrative Code, and \$2.00 for each pick-up at the Port, by all TNC drivers using Zoom's digital platform. Such pick-up fees shall be subject to adjustment from time to time pursuant to a Board adopted resolution that establishes any new rate.

The Agreement requires Zoom to provide two security deposits to the County: one to the Broward County Aviation Department ("BCAD") for operations at FLL in an amount equal to three months of Zoom's estimated monthly pick-up fees attributable to FLL, and a second to the Port Everglades Department for operations at the Port in the amount of \$12,000.

Pursuant to the Agreement, TNC drivers may accept requests for passenger pick-ups at FLL only as authorized by the Airport Operational Guidelines. These guidelines, which can be periodically amended by the Director of Aviation, currently require Zoom to establish and maintain a Geofence that prohibits each TNC driver from receiving any requests for any passenger pick-ups at FLL while the TNC vehicle is located within FLL or the Port property, unless in a designated, approved area. The same concept applies at the Port.

The indemnification clause in the Agreement deviates from the standard form used by the Office of the County Attorney in that, among other things, it does not require Zoom to pay for an attorney selected by the County Attorney to defend the County in the event of a lawsuit. However, it does require Zoom to defend the County by counsel satisfactory to the County.

The Agreement also gives the County the right to audit, no more than two times per calendar year, the books, records, and accounts of Zoom that are directly related to the fees required by the Agreement, and require that a special audit be conducted by a third party auditor pursuant to the terms of the Parties' Memorandum of Understanding attached as Exhibit C to the Agreement.

The proposed Agreement has been reviewed and approved as to form by the Office of the County Attorney.

Source of Additional Information

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

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

Fiscal Impact

Fiscal Impact/Cost Summary

Per this agreement, Zoom shall remit to BCAD and the Port \$3.00 for each pick-up at FLL, and \$2.00 for each pick-up at the Port, by all TNC drivers using the company's digital platform.