

AN ORDINANCE 2008-05-08-0379

AUTHORIZING EXECUTION OF THE FIRST RENEWAL AND AMENDMENT TO THE AGREEMENT FOR AUDIO/VISUAL SERVICES WITH AUDIO VISUAL SERVICES GROUP, INC. d/b/a PSAV EVENT SERVICES DIVISION.

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WHEREAS, Audio Visual Services Group, Inc. d/b/a PSAV Event Services Division (“PSAV”) was designated the preferred provider of audio/visual services at the Henry B. Gonzalez Convention Center, Lila Cockrell Theatre, and Municipal Auditorium under a Professional Service Agreement (the “Agreement”) authorized by City Ordinance No. 101049, passed and approved on June 16, 2005; and

WHEREAS, by the terms of the Agreement, PSAV would perform audio/visual services for a period of three years with one (1) two-year renewal option; and

WHEREAS, the City and PSAV desire to exercise the two-year renewal option and to amend the Agreement to provide for an increase in the commission to the City during the renewal period from twenty-percent (20%) to twenty-seven percent (27%) and to establish a \$110,000.00 Minimum Annual Guarantee payment to the City for each year of the renewal period; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of the First Renewal and Amendment to the Professional Service Agreement to provide audio/visual services at the Henry B. Gonzalez Convention Center, Lila Cockrell Theatre, and Municipal Auditorium are hereby approved. A copy of the First Renewal and Amendment in substantially final form is attached hereto and made a part of this Ordinance as Exhibit “A.” A copy of the fully executed Agreement will be attached to this Ordinance and will replace Exhibit “A.”

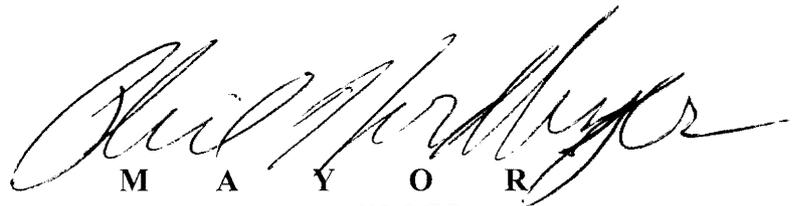
SECTION 2. The City Manager or her designee is hereby authorized to execute the First Renewal and Amendment to the Professional Service Agreement to provide audio/visual services with Audio Visual Services Group, Inc. d/b/a PSAV Event Services Division (“PSAV”) as described in Section 1.

SECTION 3. Funds received for commissions are authorized to be deposited in Fund 29006000, entitled “Hotel Motel Tax Fund,” Internal Order Number 242000000401, entitled “Conv Fac-Preferred Audio Visual Svcs,” General Ledger 4407730, entitled “Equipment Rental Fees.”

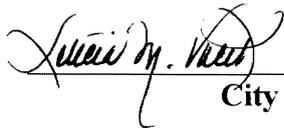
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, the Interim City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall become effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 8th day of MAY 2008.

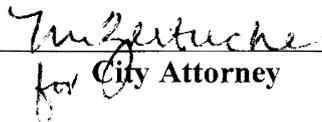

M A Y O R
PHIL HARDBERGER

ATTEST:



City Clerk

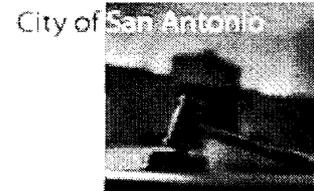
APPROVED AS TO FORM:



for City Attorney



Request for
COUNCIL
 ACTION



Agenda Voting Results - 17A

Name:	6, 7, 8, 9, 10, 11A, 11B, 12, 13, 14, 16, 17A, 17B, 20						
Date:	05/08/2008						
Time:	11:40:58 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing execution of the First Renewal and Amendment to the Agreement for Audio/Visual Services with Audio Visual Services Group, Inc. d/b/a PSAV Event Services Division.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2	x					
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7	x					
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x



CMS or Ordinance Number: CN0040000992

TSLGRS File Code:1000-25

Document Title:
CONT - Preferred Audio/Visual Service Provider

Commencement Date:

7/1/2008

Expiration Date:

6/30/2010

FIRST RENEWAL AND AMENDMENT TO THE AGREEMENT FOR AUDIO/VISUAL SERVICES

BETWEEN THE CITY OF SAN ANTONIO AND AUDIO VISUAL SERVICES GROUP, INC. D/B/A PSAV EVENT SERVICES DIVISION

This FIRST RENEWAL AND AMENDMENT to the AGREEMENT FOR AUDIO/VISUAL SERVICES (this "RENEWAL") is entered into by and between the CITY OF SAN ANTONIO ("City") and AUDIO VISUAL SERVICES GROUP, INC. d/b/a PSAV EVENT SERVICES DIVISION ("PROVIDER") together referred to as "the Parties."

RECITALS

- A. City and PROVIDER are parties to that certain AGREEMENT FOR AUDIO/VISUAL SERVICES authorized by City of San Antonio Ordinance No. 101049, passed and approved on June 16, 2005 (the "AGREEMENT").
- B. Prior to the effectiveness of this RENEWAL, the AGREEMENT, in accordance with the terms and conditions of the Agreement, terminates at midnight central time on June 30, 2008.
- C. City and PROVIDER, in accordance with Section 2.2 of the AGREEMENT, desire to renew the AGREEMENT for a two year period commencing on July 1, 2008, and amend the AGREEMENT as described below.
- D. All other provisions of the AGREEMENT shall remain in full force and effect.

RENEWAL

NOW THEREFORE, City and PROVIDER hereby agree and amend as follows:

- 1. Definitions. All capitalized terms used in this RENEWAL without definition herein shall have the meanings assigned to such terms in the AGREEMENT.
- 2. Amendment. The Parties hereby agree to renew and amend the AGREEMENT as follows:
 - (a) "Provider" in the AGREEMENT shall be defined as Audio Visual Services Group, Inc., a Delaware corporation, d/b/a PSAV Event Services Division.
 - (b) In accordance with Section 2.2, the term of the AGREEMENT is extended by two years commencing on July 1, 2008, and terminating on June 30, 2010.

(c) Section 6.1 is amended to add the following:

6.1(d) Year 4: a twenty-seven percent (27%) commission on all Gross Billings for the prior month

6.1(e) Year 5: a twenty-seven percent (27%) commission on all Gross Billings for the prior month

(d) Article VI is amended to add the following:

6.8 The Minimum Annual Guarantee (MAG) for Years 4 and 5 shall be \$110,000.00 per year that PROVIDER shall pay CITY should the percentages provided in Section 6.1 of this Agreement not exceed the agreed upon MAG.

(e) Section 7.1 is amended to add the attached Exhibit C-1.

(f) Section 9.1 is amended to add "Advertising" to the list of exclusive services.

(g) Article 14.1 is deleted in its entirety and replaced with the following:

If intended for City, to: CITY of San Antonio
Convention, Sports, and Entertainment Facilities
Department
Attn: Director
P.O. Box 1809
San Antonio, TX 78296-1809

If intended for PROVIDER, to: PSAV Event Services Division
Attn: Thomas Brewer, Regional Vice President Sales &
Operations
111 W. Ocean Blvd., Ste. 1110
Long Beach, CA 90802-4688

w/ copy to: AVSC Legal Department
Attn: Whit Markowitz, General Counsel
111 W. Ocean Blvd., Ste. 1110
Long Beach, CA 90802-4688

(h) Exhibit C is hereby replaced with the attached Exhibit C.

3. Effective Date. This RENEWAL shall be effective July 1, 2008.

4. No Other Changes. Except as specifically set forth in this RENEWAL, all of the terms and conditions of the AGREEMENT shall remain the same and are hereby ratified and confirmed. The AGREEMENT shall continue in full force and effect and with this

RENEWAL shall be read and construed as one instrument.

5. Choice of Law. This RENEWAL shall be construed in accordance with and governed by the laws of the State of Texas.
6. Counterparts. This RENEWAL may be executed in any number of counterparts, but all such counterparts shall together constitute but one instrument. In making proof of this RENEWAL it shall not be necessary to produce or account for more than one counterpart signed by each party hereto by and against which enforcement hereof is sought.

IN WITNESS HEREOF, the parties hereto have executed in triplicate originals this RENEWAL on the 23rd day of May 2008.

CITY OF SAN ANTONIO

**AUDIO VISUAL SERVICES GROUP,
INC., a Delaware corporation, d/b/a PSAV
EVENT SERVICES DIVISION**

a municipal corporation



Sheryl L. Sculley
City Manager

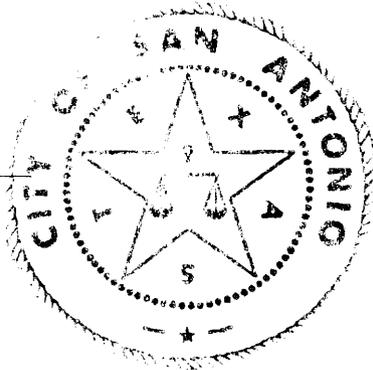


Name: D. J. Davies
Title: President & CEO

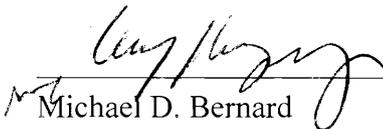
ATTEST:



Leticia Vacek
City Clerk

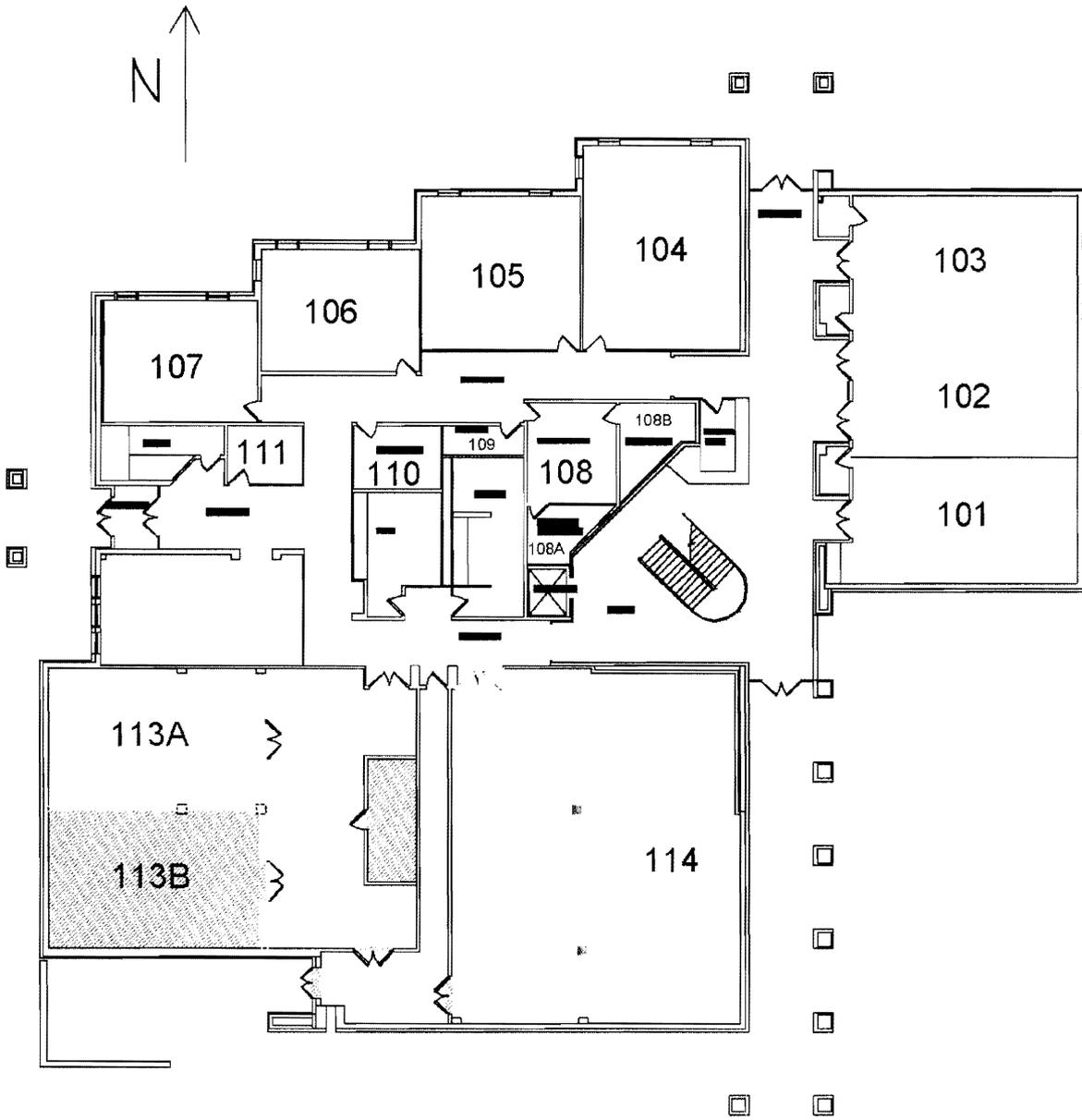


APPROVED AS TO FORM:



Michael D. Bernard
City Attorney

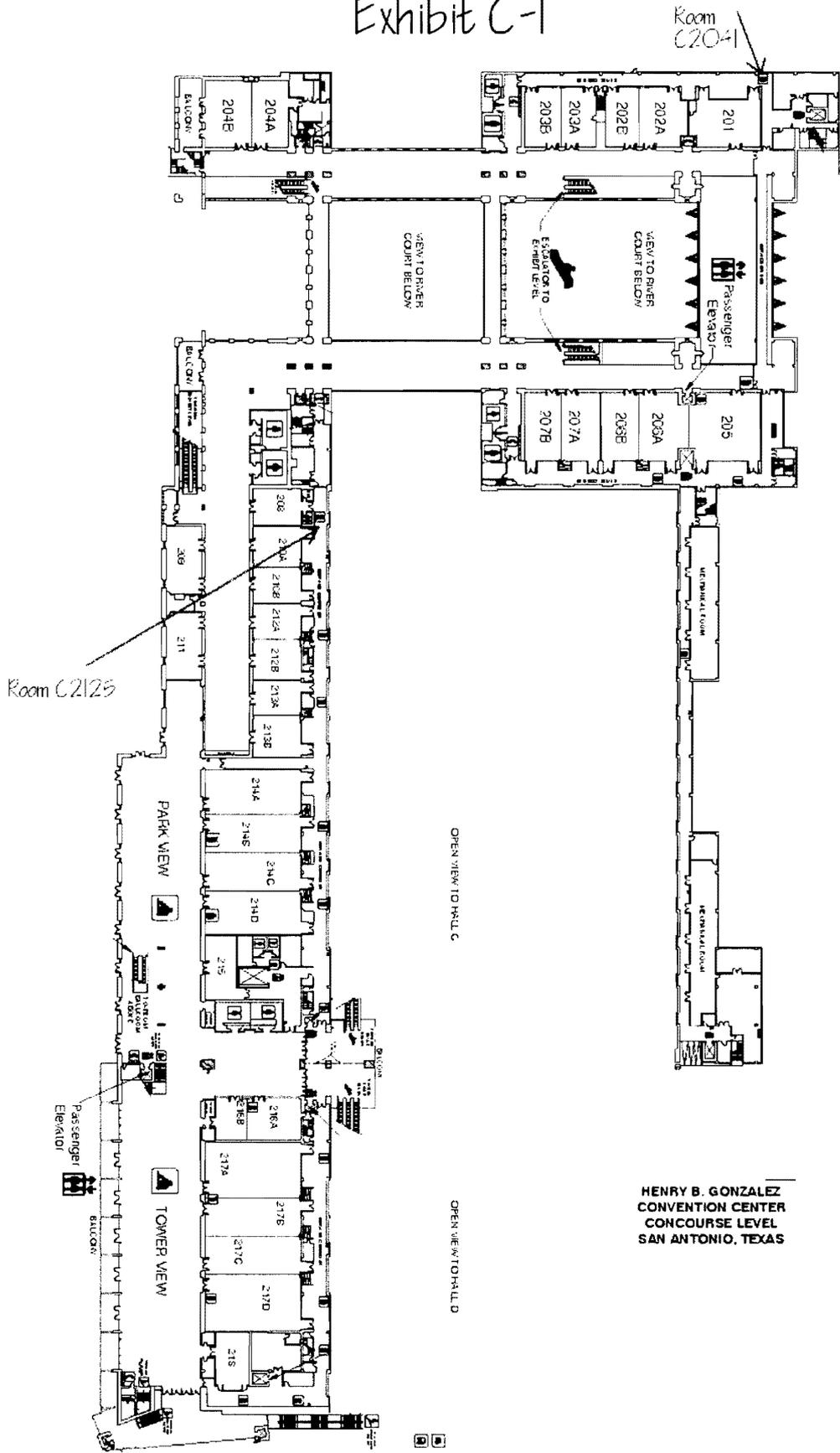
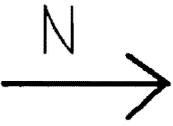
Exhibit C



Hemisfair Park



Exhibit C-1



HENRY B. GONZALEZ
CONVENTION CENTER
CONCOURSE LEVEL
SAN ANTONIO, TEXAS



CMS or Ordinance Number: OR00000200805080379

TSLGRS File Code: 1000-05

Document Title:
ORD - Preferred Audio/Visual Service Provider

Ordinance Date:
5/8/2008