

1 [Lease Amendment - Smarte Carte, Inc - Airport Luggage Cart Lease and Operating  
2 Agreement - Provision of Free Luggage in the Federal Inspection Service Area of the  
3 Airport]

3 **Resolution approving Amendment No. 3 to the Airport Luggage Cart Lease and**  
4 **Operating Agreement No. 19-0069 between Smarte Carte, Inc., as tenant, and the City**  
5 **and County of San Francisco, acting by and through its Airport Commission, to**  
6 **modify the methodology used for escalating the flat service fee associated with the**  
7 **provision of free luggage cart service in the Federal Inspection Service (FIS) Area.**  
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10 WHEREAS, On April 2, 2019, by Resolution No. 19-0069, the Airport Commission  
11 (Commission) awarded the Airport Luggage Cart Lease and Operating Agreement  
12 No. 19-0069 (the Lease) to Smarte Carte, Inc. (Tenant) to provide luggage cart service in  
13 both Domestic and International Terminals of the San Francisco International Airport (the  
14 Airport); and

15 WHEREAS, On September 24, 2019, by Resolution No. 409-19, the Board of  
16 Supervisors approved the Lease; and

17 WHEREAS, On October 6, 2020, by Resolution No. 20-0180, the Commission  
18 approved the COVID-19 Emergency Relief Program for Airport Concession Operators, which  
19 was set forth in Amendment No. 1 to the Lease; and

20 WHEREAS, On January 5, 2021, by Ordinance No. 5-21, the Board of Supervisors  
21 approved the COVID-19 Emergency Relief Program for Airport Concession Operations; and

22 WHEREAS, On March 16, 2021, by Resolution No. 21-0089, the Commission  
23 approved Amendment No. 2 to the Lease which provided for (i) the exercise of the one three-  
24 year option, (ii) a fee based structure for the provision of luggage carts in the Federal  
25 Inspection Service (FIS) area and the termination of the Airport's payment of the Annual

1 Service Fee to Tenant, and (iii) the right of the Airport, acting through the Airport Director in  
2 his discretion, to reinstate the provision of free carts in the FIS area and resume paying the  
3 Annual Service Fee to Tenant if business conditions merited such a change; and

4 WHEREAS, On May 11, 2021, by Resolution No. 221-21, the Board of Supervisors  
5 approved Amendment No. 2; and

6 WHEREAS, On April 4, 2023, by Resolution No. 23-0090, the Commission approved  
7 Amendment No. 3 to the Lease, which adjusts the escalation of the Flat Service Fee paid by  
8 Airport to Tenant for the provision of free carts in the FIS area during each year of the Option  
9 Term to match the increase in the Consumer Price Index; now, therefore, be it

10 RESOLVED, That this Board of Supervisors approves Amendment No. 3 to the Airport  
11 Luggage Cart Lease and Operating Agreement No. 19-0069 with Smarte Carte, Inc., a copy  
12 of which is on file with the Clerk of the Board of Supervisors in File No. 230434; and, be it

13 FURTHER RESOLVED, That within thirty (30) days of the amendment being fully  
14 executed by all parties, the Airport Commission shall provide the final amendment to the Clerk  
15 of the Board for inclusion into the official file.

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