

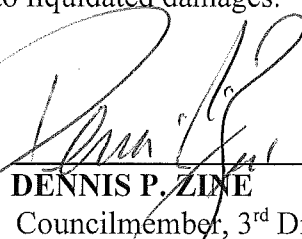
MOTION

I MOVE that the matter of the Public Works Committee Majority Report relative to the proposed contract with Martin Outdoor Media, LLC (Martin) for a Citywide bus bench program, Item 32 on today's Council Special agenda (CF 11-1068), BE AMENDED to include to following:

1. Amend the proposed contract to give Martin Outdoor Media, LLC the exclusive right to display on bus benches, on behalf of the City.
2. Amend the proposed contract to require a separate letter of agreement between Martin and Norman Bench Advertising, Inc. (Norman), as follows:
 - a. To retain the existing Norman bus benches for a period of up to two years during which time Martin would remove and install new benches and return the existing bus benches to Norman at a place of their selection within the City, during such time Norman is prohibited from removing any City bus bench.
 - b. To allow Norman to receive 10% of the gross advertising billed by Martin where that amount would decrease by 25%, 50% and 75% as installation proceeds coincidental with those percentages.
4. Amend the proposed contract to state that Norman has no continuing obligation to maintain, repair or replace the existing City bus benches, nor does Norman assume any continuing liability as to the public's use of such bus benches.
5. Amend the proposed contract to require the execution of a separate hold-harmless agreement letter(s) between the following: Martin and Norman relative to the implementation of the City's bus bench program; Norman and the City of Los Angeles relative to the operation of the prior City Bus Bench program and City's request for proposal process soliciting a new City bus bench vendor, including language where all parties mutually agree to execute hold harmless provisions among each other: the City, Martin and Norman.
6. Amend the proposed contract to remove Article 6.2.3.3 which provides for the accelerated installation of bus benches by the vendor over a 120 day period at a cost to the City.
7. Amend the proposed contract to remove Article 6.2.3.3.6 (Temporary Benches) that allows Martin to provide up to 450 temporary wood and concrete benches at the City's request and cost.
8. Amend the proposed contract to require Martin to honor third party contracts/agreements as it relates to the City's bus bench program, or be subject to liquidated damages.

PRESENTED BY:


 MITCHELL ENGLANDER
 Councilmember, 12th District


 DENNIS P. ZINE
 Councilmember, 3rd District

SECONDED BY:



ORIGINAL