



Office of Chicago City Clerk



SO2011-4520

Office of the City Clerk

Tracking Sheet

Meeting Date: 6/8/2011

Sponsor(s): Mell, Richard F. (33)
Burke, Edward M. (14)
Lane, Lona (18)
Laurino, Margaret (39)
Solis, Daniel (25)
Suarez, Regner Ray (31)
Zaiewski, Michael R. (23)

Type: Ordinance

Title: Information Kiosk Services Pilot Programs Ordinance of 2011

Committee(s) Assignment: Committee on License and Consumer Protection

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. This ordinance shall be known and may be cited as the "Information Kiosk Services Pilot Programs Ordinance of 2011." The pilot programs shall start on the effective date of this Ordinance and end at the termination of a contract authorized herein, upon breach of a contract authorized herein by smartTECHS.net, or on December 31, 2013, whichever comes first.

(a) For purposes of this ordinance, the following definitions apply:

"Airports" means Chicago Midway International Airport and Chicago O'Hare International Airport.

"Public Ways" has the same meaning ascribed to that term in section 1-4-090.

"City" means the City of Chicago.

"Consumer" means a member of the general public that uses the services of a smartKIOSK installed at the airports or on a sidewalk.

"Information kiosk" means a kiosk that offers the public on-demand access to city and private sector information and services.

"Sidewalk" has the same meaning ascribed to that term in section 9-4-010.

"smartKIOSK" means an information kiosk that is owned and operated by smartTECHS.net.

"smartTECHS.net" is an Illinois corporation, located at 1727 South Indiana, Chicago, Illinois.

(b) Notwithstanding any other provision of the municipal code to the contrary, the commissioner of aviation is authorized to implement a pilot program for the installation, operation, and maintenance of smartKIOSKs at the airports, consistent with the provisions of this ordinance.

Notwithstanding any other provision of the municipal code to the contrary, the commissioner of transportation is authorized to implement a pilot program for the installation, operation and maintenance of smartKIOSKs on sidewalks, consistent with the provisions of this ordinance.

(c) The general terms for the pilot programs shall be as follows:

(1) smartTECHS.net, at its own expense, shall have the sole responsibility for the installation, operation and maintenance of the smartKIOSKs.

(2) smartTECHS.net shall install the smartKIOSKs at the airports only in locations and numbers determined by the commissioner of aviation, and only at

locations and numbers on the sidewalk as determined by the commissioner of transportation.

(3) At the request of the commissioner of aviation, with 90-day notice, smartTECHS.net, at its own expense, shall remove or relocate a smartKIOSK located at the airports.

At the request of the commissioner of transportation, with 90-days notice, smartTECHS.net, at its own expense, shall remove, or relocate a smartKIOSK located on a sidewalk.

(3) smartTECHS.net shall pay the city the greater of \$10,000 per month, or 10% of the gross monthly revenue generated by the smartKIOSKs; provided that the revenues generated by the pilot program for smartKIOSKs located at the airports shall be airport revenues and shall be prorated between Chicago Midway International Airport and Chicago O'Hare International Airport based upon the number of smartKIOSKs located at each airport

(4) There shall be no charge to the consumer for use of the smartKIOSKs. The smartKIOSKs will provide the consumer, at a minimum, the following options:

- (i) information regarding the airports, including the location of airline gates, concessions, and airport map;
- (ii) city 311 information, city alerts, city events, and other city services;
- (iii) multiple language translation;
- (iv) bus tracker and airline and other transportation information;
- (v) coupons, commercials, restaurant and related information;
- (vi) maps;
- (vii) smartPHOTOS; and¹
- (viii) entertainment information and services.
- (ix) 2D/3D ad enclosures

(5) Upon termination of the pilot program, smartTECHS.net will remove, at its own expense, all of the smartKIOSKs.

(6) Any contract entered into with smartTECHS.net pursuant to the pilot program shall terminate 24 months after its execution, upon breach of the contract by smartTECHS.net, or on December 31, 2013, whichever comes first.

(7) smartTECHS.net, at its own expense, shall be responsible for obtaining all necessary permits and licenses required for the installation, operation and maintenance of the smartKIOSKs; provided that any smartKIOSK located on the sidewalk that is authorized by this ordinance shall not require the issuance of a public way use permit pursuant to section 10-28-010.

(8) smartTECHS.net shall be permitted to display advertising on the smartKIOSKs only in compliance with the standards and policy set forth by the commissioner of aviation for advertising at the airports, and with the standards

and policy set forth by the commissioner of transportation for advertising on the public way.²

(9) Any contract authorized by this ordinance shall include performance standards applicable to smartTECHS.net, and remedies available to the city and airport for failure of smartTECHS.net to meet those standards. The remedies shall include the termination of the contract.

(10) smartTECHS.net shall not display any information, including the city seal or other city identifying marks, on the smartKIOSKs, or otherwise indicate that the smartKIOSKs are operated or owned by the city.

(11) For the pilot program at the airports, smartTECHS.net shall use a good faith effort to comply with 49 CFR, part 23.

(d) In order to implement the pilot program at the airports, the commissioner of aviation is authorized to negotiate and enter into a contract on behalf of the city with smartTECHS.net, consistent with the terms of this ordinance, for the installation, operation and maintenance of smartKIOSKS at the airports.

In order to implement the pilot program for locations on the sidewalk, the commissioner of transportation is authorized to negotiate and enter into a contract on behalf of the city with smartTECHS.net, consistent with the terms of this ordinance, for the installation, operation and maintenance of smartKIOSKS on the sidewalks.

(e) Any contract entered into pursuant to this ordinance shall be subject to the following:

(1) The contract shall begin upon its execution and terminate 24 months thereafter, upon breach of the contract by smartTECHS.net, or on December 31, 2013, whichever comes first.

(2) The contract shall include the provisions of this ordinance and require that smartTECHS.net agrees:

(i) for smartKIOSKS installed at the airports, to pay the city the greater of \$10,000 per month, or 10% of the gross monthly revenue generated by such smartKIOSKS. For smartKIOSKS installed on the sidewalks, to pay the city the greater of \$10,000 per month, or 10% of the gross monthly revenue generated by such smartKIOSKS;

(ii) to make available for inspection and audit all books and records requested by the commissioner of aviation for the smartKIOSKS located at the airports, and to make available for inspection and audit all books and records requested by the commissioner of transportation for the pilot program for smartKIOSKS located on the sidewalk;

(iii) to obtain all necessary permits and licenses required for the installation, operation and maintenance of the smartKIOSKS;

(iv) to keep harmless the city against all liabilities, judgments, costs, and expenses which may in any way accme against the city in the consequence of implementing the pilot program and agrees to indemnify the city for any loss, damage, cost, expense or liability of any kind which the city may incur in consequence of smartTECHS.net's acts, omissions, negligence, or improper work; and

(v) for the contract for the pilot program at the airports, smartTECHS.net to use good faith efforts to comply with the provisions of 49 CFR, part 23.

(f) The contracts authorized by this ordinance shall be subject to the applicable provisions of the municipal code pertaining to contract requirements, including but not limited to, the filing of an economic disclosure statement, and any other applicable provision of chapters 2-92 and 1-23.

(g) The pilot programs are contingent upon smartTECHS.net obtaining a written waiver of rights by any concessionaire or other person with a contract with the city, which gives such concessionaire or other person the exclusive or otherwise conflicting right to provide information kiosks or advertising at the airports or on the public way.

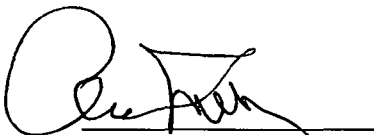
(h) The commissioner of aviation is authorized to adopt such rules and regulations as the commissioner may deem necessary for the proper implementation, administration and enforcement of this ordinance for the pilot program at the airports.

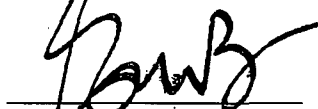
The commissioner of transportation is authorized to adopt such mles and regulations as the commissioner may deem necessary for the proper implementation, administration and enforcement of this ordinance for the pilot program for locations on the sidewalk.

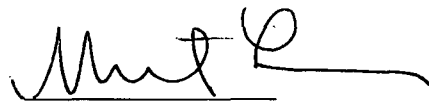
(i) After termination of the pilot program, if the commissioner of aviation determines that providing information kiosks at the airports is beneficial to the city and users of the airports, the commissioner may issue a request for a proposal for the installation, maintenance and operation of information kiosks at the airports.

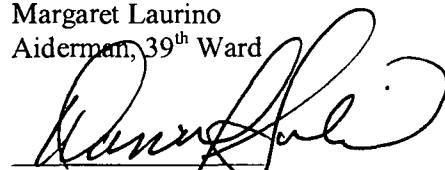
(j) Nothing in this ordinance shall be construed as to authorize any person to any action or perform any function that is inconsistent with, or in violation of, any provision of a contract entered into by the city prior to the effective date of this ordinance.


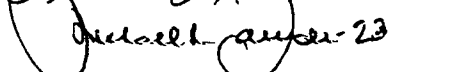
SECTION 2. This ordinance takes effect upon its passage and approval.

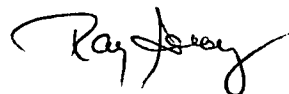

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Ray