



RESOLUTION

**AUTHORIZING THE CITY OF NASHUA TO ENTER INTO AN AMENDMENT TO
THE AGREEMENT WITH FUEL MEDIA HOLDINGS FOR ADVERTISING
SERVICES**

CITY OF NASHUA

In the Year Two Thousand and Twenty- One

RESOLVED by the Board of Aldermen of the City of Nashua that the City is authorized to enter into a second amendment to the current agreement for advertising services, substantially in the attached form, with Fuel Media Holdings.

LEGISLATIVE YEAR 2021

RESOLUTION: R-21-111

PURPOSE: Authorizing the City of Nashua to enter into an amendment to the agreement with Fuel Media Holdings for advertising services.

SPONSOR(S): Mayor Jim Donchess

**COMMITTEE
ASSIGNMENT:** Budget Review Committee

FISCAL NOTE: Agreement provides for payments to the City

ANALYSIS

This resolution authorizes the City of Nashua to enter into a second amendment to the agreement with Fuel Media Holdings for the placement and maintenance of advertising materials on the exterior and interior of NTS vehicles, bike racks, bus shelters and at the Nashua Transit Center. This a revenue contract for the City, which revenue is being reduced by the amendment.

The contract needs to be amended (reduced) due to the unprecedented economic impacts of COVID. The current Fuel contract requires 65% of the revenue from all advertising contracts Fuel sells to be paid to the City, with a guaranteed minimum of \$120 k for FY21 ("Year 2"). The amendment removes the guaranteed minimum for Year 2 of the contract due to the negative impacts of COVID on the advertising industry. Advertisement revenue is significantly down nationally, regionally and in Nashua.

Approved as to form: Office of Corporation Counsel

By: /s/ Celia K. Leonard

Date: January 21, 2021

SECOND AMENDMENT
TO TRANSIT ADVERTISEMENT PROGRAM MANAGEMENT
AGREEMENT

This SECOND AMENDMENT is made as of February _____, 2021 by and between the **City of Nashua**, New Hampshire with an address of 229 Main Street, Nashua, New Hampshire ("City") and **Fuel Media Holdings**, located at 101 Marketside Ave., Suite 404-177, Ponte Vedra, FL 32081 ("Contractor").

WHEREAS, the City and Contractor entered into a Transit Advertisement Program Management Agreement approved by the Board of Aldermen by R-19-192 on December 23, 2019, for the placement and maintenance of advertising materials on the exterior and interior of Nashua Transit Services vehicles, bike racks, bus shelters and at the Nashua Transit Center, and said agreement was amended by the "Amendment to Memorandum of Understanding By and Between City of Nashua, NH and Fuel Media Holdings" (as amended, the "Agreement");

WHEREAS, Section 5 C of the Agreement states that the "Contractor agrees to pay the City as follows: A sum equal to (65%) of the next space billings with Minimum Guaranteed Payments, whichever is higher, will be paid as shown below:

Year 1 – 2020 \$90,000
Year 2 – 2021 \$120,000
Year 3 – 2022 \$120,000;"

WHEREAS, Section 7 P of the Agreement allows for amendment by written amendment executed by City and Contractor; and

WHEREAS, COVID has negatively impacted the advertising market nationally, regionally and in Nashua.

NOW, therefore, in consideration of the mutual covenants contained herein, the parties hereby mutually agree as follows:

1. That Section 5 C of the Agreement shall be amended by deleting the struck through language and inserting the underlined language as follows,

Contractor agrees to pay the City as follows: A sum equal to (65%) of the next space billings with Minimum Guaranteed Payments, whichever is higher, will be paid as shown below:

Year 1 – 2020 \$90,000
~~Year 2 – 2021 \$120,000~~ no Minimum Guaranteed Payments for Year 2 - 2021
Year 3 – 2022 \$120,000;"

2. All other terms of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have, by their duly authorized representatives placed their hands as of the date first above written.

City of Nashua

Fuel Media Holdings

By: James W. Donchess, Mayor

By: _____
Title: _____

RESOLUTION R-21-111

Authorizing the City of Nashua to enter into an amendment to the agreement with Fuel Media Holdings for advertising services

Endorsed by

MAYOR

O'BRIEN

DOWD

IN THE BOARD OF ALDERMEN

1ST READING January 26, 2021

Referred to:
Budget Review Committee

2nd Reading February 23, 2021

3rd Reading _____

4th Reading _____

Other Action _____

Passed February 23, 2021

Indefinitely Postponed _____

Defeated _____

Attest: _____
Kari W. Walshe City Clerk

President

Approved _____
Mayor's Signature

Date

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____
City Clerk

President