

**CITY OF CHICAGO TERMS AND CONDITIONS FOR THE SECOND BUSINESS
OPERATIONS WINDOW OF THE SCOOTER SHARING EMERGING BUSINESS
PERMIT PILOT PROGRAM**

Whereas, the Commissioner, pursuant to Section 4-4-022 of the Code, authorized the issuance of a Scooter Sharing Emerging Business Permit; and

Whereas, consistent with Section 4-4-022 of the Code, the Scooter Sharing EBP shall be non-renewable and shall be valid for a maximum of two years, from June 15, 2019 to June 14, 2021; and

Whereas, the first business operations window of the pilot program ran from June 15, 2019 to October 15, 2019 (“First Phase Scooter Sharing Pilot”); and

Whereas, the City reserved the right, in its sole discretion, to add an additional business operations window for the pilot program within the two-year permit period; and

Whereas, the Commissioner determined that adding a second business operations window for the pilot program within the two-year permit period is necessary to evaluate whether a permanent scooter sharing license needs to be created in the City; and

Whereas, the second business operations window of pilot aims to determine: (i) whether scooter sharing can effectively improve mobility and accessibility for residents who face elevated economic, health, mobility or accessibility barriers; (ii) whether potential dangers to both scooter users and non-users, especially people with disabilities, as well as inconveniences caused to other street users by scooter sharing operations, can be substantially limited; (iii) whether scooter sharing can meaningfully reduce single-occupancy vehicles trips; and (iv) what practices, structures and policies would be needed to best administer a permanent program; and

Whereas, Pursuant to Section 4-4-022 of the Code, the commissioner may attach conditions to an emerging business permit as are reasonably required to protect the public health, safety and welfare from risks; now, therefore,

The Commissioner attaches the following terms and conditions for the selection and participation of vendors for the second business operations window of the scooter sharing emerging business permit pilot program (“Second Phase Scooter Sharing Pilot”).

I. Definitions.

For purposes of the terms and conditions for the Second Phase Scooter Sharing Pilot program, the following definitions shall apply:

“First Phase Scooter Sharing Pilot” means the part of the pilot program that allowed a scooter sharing business on an experimental basis during the first business operations window that ran from June 15, 2019 to October 15, 2019.

“Business operations window” means the time period(s) within the term of the scooter sharing EBP in which vendors are allowed to conduct business operations, i.e., offering scooter rental services in accordance with the terms of the scooter sharing EBP.

“City” means the City of Chicago.

“Code” means the Municipal Code of Chicago.

“Commissioner” means the City’s Commissioner of Business Affairs and Consumer Protection.

“Lock-to scooter” means a scooter which has a mechanism that enables the scooter to be locked to a fixed physical object when the user ends a trip. To qualify as a “lock-to scooter” the lock on the scooter must be engaged to end a ride.

“Pilot Area” means the geographic area in which a vendor’s scooters may be rented from and end a trip, subject to the terms of the pilot program, and all generally applicable parking rules and restrictions. The pilot area for the Second Phase Scooter Sharing Pilot program shall be the portion of the City shown in the attached Second Phase Scooter Sharing Pilot Area Map.

“Priority Sub-Area” means the geographic area within the Second Phase Scooter Sharing Pilot Area designated as a sub-area as shown in the attached Second Phase Scooter Sharing Pilot Area Map.

“Pilot program” means the program created to allow a scooter sharing business on an experimental basis during a business operations window.

“Scooter Sharing EBP” means a scooter sharing emerging business permit issued to an eligible applicant by the Commissioner to participate in the pilot program pursuant to Section 4-4-022 of the Code.

“Scooter” means a low-speed electric mobility device, as that term is defined in Section 9-4-010 of the Code. In Section 9-4-010 of the Code, the term “Low-speed electric

mobility device” is defined as “a device which: (i) has no operable pedals; (ii) is no more than 26 inches wide; (iii) weighs less than 100 pounds; and (iv) is powered by an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of 15 miles per hour on a paved level surface.”

“Second Phase Scooter Sharing Pilot” means the part of the pilot program that would allow a scooter sharing business on an experimental basis during the second business operations window that will run from August 3, 2020 to December 2, 2020. The Commissioner may change the dates of the second business operations window.

“Vendor” means a business entity that has been issued a scooter sharing EBP to participate in the Pilot program.

II. Eligibility Criteria to participate in Second Phase Scooter Sharing Pilot Program.

To be eligible for consideration to participate in the Second Phase Scooter Sharing Pilot program, an applicant must meet or obtain a “pass” grade in all of the following requirements as determined by the Commissioner or her designees:

1. **Good Standing.** The applicant must be a participant in the First Phase Scooter Sharing Pilot that is in good standing with the City regarding all taxes and fees associated with participation in the First Phase Scooter Sharing Pilot.
2. **Scooter Safety.** The Applicant must:
 - i. provide images, specifications and descriptions of each type of scooter that it plans to deploy.
 - ii. provide documentation that applicant’s scooters that it plans to deploy meet the City’s low-speed electric mobility device requirements, as defined in Section 9-4-010 of the Code.
 - iii. outline measures that it takes to ensure that deployed scooters are safe for operation and to address scooter safety issues that it discovers during the pilot or those discovered by the City or any other person.
 - iv. provide a plan for maintaining rider safety during COVID-19 outbreak, including device cleaning protocols and outreach and education plan adapted for outbreak.

3. **Proof of Insurance.** The applicant shall produce proof with its application package that it has obtained commercial general liability insurance, with limits of not less than \$5,000,000 per occurrence, for bodily injury, personal injury and property damage. The insurance policy shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the vendor's operations; and (3) include a provision requiring 30 days' advanced notice to the Commissioner prior to cancellation or lapse of the policy. The applicant shall maintain the insurance required under this paragraph in full force and effect for the duration of the pilot period. In addition, the applicant shall: (i) indemnify, defend and hold harmless the City against any additional or uncovered third party claims arising out of or caused directly or indirectly by the vendor's scooter operations, including any claims against the City by the any customer of the vendor, the vendor's employees or agents claiming injury or losses while operating the vendor's scooter which is alleged to have resulted in whole or in part from the condition of the public way; and (ii) cover the cost for any damage to the public way or other city property arising out of or caused by the applicant's scooter operations.
4. **Operational Minimum Standards.** The applicant must:
- i. ascertain that it has its own Internet-enabled application or digital platform that is not supported by another applicant's Internet-enabled application or digital platform for running the applicant's scooter sharing business.
 - ii. describe its plan to procure, prepare and have ready 2,500 operational scooters on the first day of the pilot.
 - iii. describe its plan to procure, prepare and have ready 5,000 operational scooters on the 29th day of the pilot.
 - iv. describe its staffing plan to ensure that it has sufficient staff to fully manage the number of scooters it is required to deploy on the first day of the pilot and to manage all scooters that it is required to deploy throughout the pilot program so that it would be fully responsive to concerns from the public and the City and sister agencies 24 hours a day, 7 days a week during the second business operations window.

5. **Previous license revocation or suspensions.** The applicant must demonstrate that no governmental entity in the U.S. has successfully revoked its scooter sharing license within the past 2 years.
6. **Administrative fee.** An applicant shall commit to pay an administrative fee of \$120-per-scooter (the equivalent of \$1-per-day-per-scooter during the second business operations window of the pilot program) to cover costs incurred by the City in relation to the pilot program. These may include costs related to administration, monitoring, and use of the public way.
7. **Complete application.** To be considered for participation in the Second Phase Scooter Sharing Pilot program, an applicant must submit a complete application, as determined by the Commissioner, no later than June 25, 2020 at 10:00 a.m. in the Central Time Zone. The permit application packet must contain updated information regarding:
 - (i) The applicant's information:
 - A. Business Name;
 - B. Business Phone;
 - C. Contact Person;
 - D. Contact Person Phone;
 - E. Contact Person Email;
 - F. Business Mailing Address;
 - (ii) The applicant's controlling persons' information (if not already provided or if there was a change to the applicant's controlling persons' information):
 - A. Full name, residence address, business address, business, home and cellular telephone numbers, and e-mail address;
 - B. The name and telephone number of an emergency contact person; and
 - C. Date of birth and social security number.
 - (iii) The applicant's private property use permission as provided in Paragraph VII(1) of this terms and conditions document.
 - (iv) Submission of applications:

- A. The City of Chicago will only consider completed applications received by June 25, 2020 at 10:00 a.m. in the Central Time Zone.
- B. Applications must be submitted digitally in PDF format to Esau Orduno at: esau.orduno@cityofchicago.org.
- C. Applicants must identify responses as corresponding to each paragraph that requires a response from the applicant.
- D. Responses to Part III, Paragraphs 4-10 must be limited to 24 total pages, exclusive of appendix. Applicant must use no less than 11-point font. Diagrams, graphics, images and maps in an appendix will not count against the page total. However, excessive appendix text may not be considered in the selection process.

III. Applicant ranking Criteria.

1. **General.** The applicant ranking criteria in this Part III will be evaluated by reviewing each criteria item and assigning a score of 1-4 based on the rubric set forth below. The scores for all criteria items in each category will then be added up to create a category score. All category scores will then be weighted according to Paragraph III(3) and added together so that the final ranking score will be based on a total of 100 possible points.
2. **Scoring Rubric.** Except as otherwise provided in Paragraph III(10) and Paragraph III(11) of this terms and conditions document, the following scoring rubric shall be used to evaluate applicants' responses to each qualification criteria items in each of the categories specified in this Part III of this terms and conditions document:
 - "1" ratings will be given to responses that include rudimentary solutions, demonstrating the minimum level of commitment and ability to solve known challenges and concerns and meeting the minimum requirements.
 - "2" ratings will be given to responses that include basic or typical, but unexceptional solutions, demonstrating a moderate level of commitment and ability to solving known challenges and concerns and meeting the minimum requirements.

"3" ratings will be given to responses that include significantly more detailed and specific approaches demonstrating a higher level of commitment and ability to solving known challenges and concerns and significantly exceeding the minimum requirements.

"4" ratings will be given to responses that include robust, unique, highly specific or innovative approaches demonstrating the highest level of commitment and ability to solving known challenges and concerns and substantially exceeding the minimum requirements.

3. Category Score Weights

Paragraph 4: Community Safety and Considerations	15%
Paragraph 5: Accessibility and Consideration for People with Disabilities	15%
Paragraph 6: Equity	15%
Paragraph 7: Education, Outreach and Rider Safety	12%
Paragraph 8: Operations	15%
Paragraph 9: Technology and Innovation	3%
Paragraph 10: Experience and Qualifications	10%
Paragraph 11: Past Performance	15%

4. Community Safety and Consideration (15%)

The applicant's plan to reduce danger and inconvenience to non-riders caused by scooters and rider behavior. The applicant must describe the following:

- i. specific operational plans, educational tools, incentives, disincentives and technologies to improve proper device parking that ensures non-rider safety and comfort. The applicant is encouraged to note any plans to test new solutions it did not use during the First Phase Scooter Sharing Pilot.
- ii. plans to ensure that devices are locked to appropriate objects, in accordance with Paragraph VII(12) of these terms and conditions document. The applicant is required to specifically address its parking plan not to interfere with public transportation operations at bus stops and transit stations.
- iii. specific operational plans, educational tools, incentives, disincentives and technologies to reduce illegal sidewalk riding. The applicant is encouraged to include

plans to test new solutions that it did not use you did not use during the First Phase Scooter Sharing Pilot.

5. Accessibility and Consideration for People with Disabilities (15%)

The applicant’s plan to specifically reduce danger to people with disabilities caused by its scooters and rider behavior as well as plans to make its service accessible to people with disabilities. The applicant must describe the following:

- i. plan to prevent devices from impeding use of the public way by people with disabilities, including its plan to rectify any impediment to using the public way by people with disabilities as quickly as possible.
- ii. specific plans to employ auditory and visual signals to help alert non-riders who are deaf/hard of hearing or blind/visually-impaired.
- iii. any plan to offer adaptive devices that expand access to its service for people with various physical disabilities.
- iv. plan to provide an accessible app, website and phone support service. The applicant must include plans to ensure people with disabilities can easily report issues pertaining to the pilot program.

6. Equity (15%)

The applicant’s plan to ensure that its service will help meet the City’s goal of effectively improving mobility and accessibility for residents who face elevated economic, health, social, mobility and/or accessibility barriers. The applicant must describe the following:

- i. plan to meet the priority area distribution requirements, as provided in Paragraph VII(11). The applicant must include its plan to ensure devices are accessible in priority areas throughout the day.
- ii. specific education, engagement and outreach plan for residents in Priority Areas.
- iii. plan to improve access to its service over the First Phase Scooter Sharing Pilot for people without a bank account. The applicant must include outreach and educational plans and must be specific about how it will reduce onerous and complicated requirements and processes.
- iv. plan to improve access to its service over the First Phase Scooter Sharing Pilot for people who do not have access to a smartphone. The applicant must include outreach

and educational plans and must be specific about how it will reduce onerous and complicated requirements and processes.

- v. plan to improve access to your service over the First Phase Scooter Sharing Pilot for low-income residents, including any pricing or discount plans. The applicant must include outreach and educational plans and must be specific about how it will reduce onerous and complicated requirements and processes.
- vi. plan to improve access to its service over the First Phase Scooter Sharing Pilot for residents whose primary language is not English. The applicant must include outreach and educational plans and must be specific about how it will reduce onerous and complicated requirements and processes.

7. Education, Outreach and Rider Safety (12%)

The applicant's citywide education, engagement and outreach plans as well as rider safety plans. The applicant must describe the following:

- i. citywide community engagement and outreach plan that ensures adequate education about device use and rules for both riders and non-riders. The applicant must include any specific plans for communities that were not in the First Phase Scooter Sharing Pilot area.
- ii. in-App (Internet-enabled application or digital platform) education, engagement and outreach plan for riders using its service. Such plan must include plans for first-time riders and returning riders, and must address, among other things, parking, riding and geofencing education.
- iii. plan to involve community stakeholders in its outreach and education.
- iv. plan to meet the outreach and educational requirements as outlined in Paragraph VII (13) of this terms and conditions document.
- v. plan to make helmets accessible to riders.
- vi. plan to incentivize helmet use among riders.
- vii. plan to adapt outreach and education in light of potential ongoing public health emergencies, including limited crowd sizes.

8. Operations (15%)

The applicant's operations plan. The applicant must describe the following:

- i. plan for deploying and redistributing devices, including any incentive programs to maximize optimal fleet balancing.
- ii. plan to prevent potential negative impacts of vehicles used to retrieve, rebalance or recharge devices, including plan to prevent double parking, blocking a bike lane, and blocking a crosswalk. The applicant must describe how it will educate its staff and/or contractors to avoid these impacts and how it will enforce safe practices.
- iii. plan to reduce operational environmental impacts, especially when rebalancing, recharging, collecting or replacing devices.
- iv. plan for preventing an over-crowding of unused devices in high-demand areas.
- v. plan and capabilities to manage the operations of covering a large pilot area geography of more than 210 square miles.
- vi. plan for collecting, responding to and documenting all complaints and sharing complaints with the City.
- vii. approach to maintenance, cleaning and repair of devices as well as safety check protocols. The applicant must include its plan to maintain clean and sanitary devices, including additional sanitary measures during the Covid-19 pandemic. The applicant must include its process for customers to notify the company of safety and maintenance issues and procedures for removing the device from service.
- viii. plan to quickly retrieve devices that are outside the pilot area, including beyond city limits, within geofenced no-zones and in bodies of water.
- ix. staffing plan, including hired staff and contractors, for operations and maintenance. The applicant is encouraged to include plans for hiring locally, hiring residents that have been historically disadvantaged in participating in the local economy and contracting with minority-owned and women-owned businesses.
- x. plan for how its service will complement and augment existing transit service.

9. Technology and Innovation (3%)

The applicant’s technology and innovation plans. The applicant must describe the following:

- i. how it would use visual and auditory alerts on the device itself to communicate with riders (instead of requiring riders to rely on smartphone notifications).
- ii. plan for data sharing to help the City meet the Pilot Objectives and Goals, including helping the City better understand the purposes of scooter trips.

- iii. plan to ensure that data feeds are compliant with MDS and City standards, as provided in Paragraph VII(16), before Pilot launch.

10. Experience and Qualifications (10%)

The applicant’s experience and qualifications in other cities and financial security.

- i. The applicant must describe their operating experience in cities comparable to Chicago and/or where the applicant deployed a large fleet of vehicles. The applicant should include the following information about each relevant city:
 - A. The maximum fleet size deployed in the first month of operation
 - B. Total trips provided during the first month of operation
 - C. Duration of operation
- ii. Paragraph III(10) (ii) addresses the applicant’s financial security. In this Paragraph III(10)(ii) the scoring rubric provided in in Paragraph III(2) shall not apply. Instead, for Paragraph III(10)(ii), responses will be given a “0” or “4” point score. A score of “0” will be given if an applicant cannot affirm its financial security, and a score of “4” will be given if an applicant affirms its financial security.

Does the applicant have sufficient financial capacity (including but not limited to cash flow and/or cash reserves) to remain in service for the full duration of the Second Phase Scooter Sharing Pilot program while meeting all pilot requirements, including fleet size and staffing capacity? The applicant must choose “A” or “B” in the below:

- A. Yes, the applicant has sufficient financial capacity to meet the reequipments stated in the preceding paragraph.
- B. No, the applicant has no sufficient financial capacity to meet the reequipments stated in the preceding paragraph.

11. Past Performance (15%)

This Paragraph III(11) does not require any response from the applicant. Instead, this part will be scored by City staff based on objective assessment of data for the First Phase Scooter Sharing

Pilot. In this Paragraph III(11), the scoring rubric provided in Paragraph III(2) shall not apply. Instead, the rubric for each item provided below shall apply.

- i. Past performance on data reporting:
 - A. “3” points if the applicant has no major data ingestion issues by the end of the pilot
 - B. “2” points if Remix could not ingest the data by the end of the pilot, but no other major issues
 - C. “1” point if neither Remix nor the City could ingest the data.
- ii. Rebalancing and Priority Area compliance: The percentage of days for which data is available that a vendor met the priority area rebalancing requirement:
 - A. “12” points for applicants who were in the top quintile of performance among all 2019 vendors.
 - B. “8” points for applicants who were in the second quintile of performance among all 2019 vendors.
 - C. “4” points for applicants who were in the third quintile of performance among all 2019 vendors.
 - D. “0” points for applicants who were in the bottom two quintiles of performance among all 2019 vendors.
- iii. Ability to deploy larger numbers of devices:
 - A. “6” points if the applicant’s deployment averaged at least 200 or more scoters per day in at least 2 different months of the pilot.
 - B. “4” points if the applicant’s deployment averaged at least 150 or more scoters per day in at least 2 different months of the pilot.
 - C. “2” points if the applicant’s deployment averaged at least 100 or more scoters per day in at least 2 different months of the pilot.
 - D. “0” point if the applicant’s deployment did not average at least 100 or more scoters per day in 2 different months of the pilot.
- iv. Excess fleet deployment:
 - A. “3” points if the applicant’s deployment never averaged more than 250 scoters per day in any month of the pilot.

- B. “2” points if the applicant’s deployment averaged more than 250 scooters per day in 1 month of the pilot.
 - C. “1” points if the applicant’s deployment averaged more than 250 scooters per day in 1 or 2 months of the pilot.
 - D. “0” point if the applicant’s deployment averaged more than 250 scooters per day in 3 or more months of the pilot.
- v. Number of 311 complaints, per 100 devices deployed per day (overall average)
- A. “3” points for 15 or fewer complaints.
 - B. “2” points for 20 or fewer complaints.
 - C. “1” point for 25 or fewer complaints.
 - D. “0” point for more than 25 complaint.

IV. Vendor Selection

1. **Minimum qualification.** To be considered for participation in the Second Phase Scooter Sharing Pilot, the applicant must meet or obtain a “pass” grade, as determined by the Commissioner or her designees, all the minimum eligibility requirements listed in Part II of this terms and conditions document.
2. **Applicant ranking.** To be considered for participation in the Second Phase Scooter Sharing Pilot, the applicant must be among the top 3 ranking eligible applicants based on the evaluation criteria specified in Part III of this terms and conditions document as determined by the Commissioner or her designees. If any selected applicant fails to meet the requirements provided in this terms and conditions document or if the permit of any vendor is revoked as provided in Paragraph VIII(a), the City shall reserve the right to replace such applicant or vendor with an otherwise eligible applicant who shall be among the top 3 ranking applicants without considering the disqualified applicant or the vendor whose permit is revoked.
3. **Lottery.** The City reserves the right to utilize a lottery process to break ties between or among equally ranking applicants.
4. **Compliance.** To be considered for participation in the Second Phase Scooter Sharing Pilot a selected applicant, in addition to other requirements provided in this terms and conditions document, must:

- i. submit to the City a signed agreement, in a form prescribed by the Commissioner, within 10 days of selection.
- ii. must effect payment of the administrative fee provided in Paragraph III(6) of this terms and conditions document with their signed agreement.
- iii. must deliver a sample of each scooter the vendor is intended to deploy during the Second Phase Scooter Sharing Pilot on or before July 27, 2020.
- iv. Demonstrate, in a manner and time prescribed by the Commissioner, its ability to integrate data with the City in the Mobility Data Specification (MDS) standard as provided in Paragraph VII(17).
- v. Provide other documents and information pertinent to the pilot in a form and manner requested by the Commissioner.

V. Duration of the scooter sharing EBP; business operations window of the pilot program.

1. Consistent with Section 4-4-022 of the Code, the scooter sharing EBP shall be non-renewable and shall be valid for a maximum of two years, from June 15, 2019 to June 14, 2021.
2. The business operations window of the Second Phase Scooter Sharing Pilot shall be from August 3, 2020 to December 2, 2020. The Commissioner, in her sole discretion, reserves the right to change the dates of the business operations window of the Second Phase Scooter Sharing Pilot. The business operations window of the Second Phase Scooter Sharing Pilot shall not be for a duration of more than 4 months.
3. The Commissioner, in her sole discretion, reserves the right to add an additional business operations window for the pilot program within the two-year permit period provided in Paragraph V(1).
4. The City has no obligation to add an additional business operations window for the pilot program, or to create a permanent business license category for the permitted business activity.
5. The Commissioner, in her sole discretion, reserves the right to require vendors to temporarily remove scooters from the ground, as directed by the Commissioner, in order to address concerns posed by inclement weather or otherwise to protect the health and safety of the residents of the City.

VI. Total Number of Scooters for the program and for each vendor.

1. Each eligible applicant's number of allowed scooters for the business operations window shall be 10,000 divided by the number of vendors selected to participate in the Second Phase Scooter Sharing Pilot program. To be considered approved for the Second Phase Scooter Sharing Pilot program, an otherwise eligible applicant must launch at least:
 - A. 50 percent of its allowed scooters deployed and available to ride on August 3, 2020;
 - B. 60 percent of its allowed scooters deployed and available to ride on August 10, 2020;
 - C. 70 percent of its allowed scooters deployed and available to ride on August 17, 2020;
 - D. 80 percent of its allowed scooters deployed and available to ride on August 24, 2020; and
 - E. 90 percent of its allowed scooters deployed and available to ride on August 31, 2020.
2. The total number of scooters for the Second Phase Scooter Sharing Pilot program shall be 10,000. The Commissioner reserves the right to increase the total number of scooters initially allowed for the Second Phase Scooter Sharing Pilot program. If the Commissioner exercises that right, distribution of additional scooters to participating vendors shall be based on the performance of the participating vendor, including but not limited to: compliance with the terms of the pilot program, customer utilization rate of the vendor's scooters, accessibility of the vendor's scooter's for people with disabilities, and compliance with equity and rebalancing, operations and maintenance, data-sharing and parking requirements.

VII. Operational Requirements.

1. ***Launching from a private property.*** Vendors must launch all scooters from a supporting private property on the first day of launch. In order to operate from a private property, vendors must be in compliance with all applicable requirements of the Chicago Zoning Ordinance and must have prior written permission from the owner or lessee of any private property to be used and provide such permission to the Commissioner at the time of permit application.

2. ***Operation within the pilot area.*** The permit authorizes vendors to operate only within the pilot area from 5 a.m. to 10 p.m. Scooters shall not be available for rent outside of the operating hours. A vendor must retrieve any scooter parked outside of the pilot area within 2 hours of knowledge of the location of such scooter, and such scooter shall not be made available for rent until returned to the pilot area. Vendors are strongly encouraged strongly encourages to prioritize retrievals and corrections of scooters reported as a hazard for people with disabilities and those reported as interfering with the operations of the Chicago Transit authority. A vendor shall use technology to make scooters parked outside of the pilot area to not be accessible to users, and the vendor shall not make such scooters visible for rent in the vendor's online application.
3. ***Scooter requirements.*** All scooters operating in the City must meet the requirements of a low-speed electric mobility device, as that term is defined in Section 9-4-010 of the Code. That means, that each scooter: (i) has no operable pedals; (ii) is no more than 26 inches wide; (iii) weighs less than 100 pounds; and (iv) is powered by an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of 15 miles per hour on a paved level surface. In addition, each scooter must be equipped with the following features and abilities: warning bell, a front white light, and a rear red light visible from a distance of at least 500 feet and that stays illuminated for at least 90 seconds after coming to a full stop, hand and foot brakes, and a unique identifier. All vendor scooters used in the Second Phase Scooter Sharing Pilot program must be Lock-to Scooters.
4. ***Non-functional scooters.*** Except as otherwise provide in this Paragraph, A vendor must retrieve, or replace the battery of, any scooter that is non-functional due to a depleted battery or other damage within 2 hours of knowledge of the location of such scooter. A vendor shall use technology to make such scooters to not be accessible to users, and such scooters should not be visible for rent in the vendor's online application. Instead of retrieving a scooter that is non-functional due to a depleted battery, a vendor may swap the depleted battery with a new or charged battery without retrieving the scooter within 2 hours of knowledge of the location of such scooter.
5. ***Compliance with laws and rules and the terms of the pilot program.*** Vendors shall comply with all applicable laws and rules, and the terms and conditions of this scooter

sharing EBP. Specifically, vendors shall comply with all applicable tax laws, including the Chicago Personal Property Lease Transaction Tax Ordinance, codified at Chapter 3-32 of the Code, and the Chicago Use Tax for Nontitled Personal Property, codified at Chapter 3-27 of the Code. Vendors are also encouraged to consult with their own tax attorneys or accountants to determine tax obligations applicable to the business they are conducting under the scooter sharing EBP. In addition, pursuant to Section 9-52-130 of the Code, scooters must be operated the same way as bicycles are operated. Also, scooters may be parked in compliance with these terms and conditions and Section 9-52-130 or other applicable provisions of the Code. Therefore, vendors must acknowledge and transmit to their customers that: (i) scooters are permitted to be operated only on the City's bike lanes or paths; (ii) except as otherwise provided in Section 9-52-020 of the Code, scooters cannot be operated on sidewalks; and (iii) where there is no bike lane or path, scooters are allowed to be operated on city streets but that such streets are not intended to be used by scooters.

6. **Contact information on scooters.** A vendor shall have easily visible contact information on each of its scooters used in the pilot program to receive direct notice of any issues or incidents regarding operation of its scooters during the pilot program, including the vendor's name, website and email address, a toll-free phone number with 24 hours a day, 7 days a week customer support hotline in English, with translation services available in the following languages: Spanish, Polish, Korean, Arabic, Hindi and Mandarin. In addition, a vendor shall have on each of its scooters used in the pilot program the scooter's unique identifier, vendor's name and phone number in braille and raised lettering. The vendor must also display contact information on its website and smartphone applications. A vendor must also have a designated contact person for communications with the City.
7. **Scooter maintenance.** Each vendor shall conduct maintenance on each of its scooters used in the pilot program at least once per a calendar month during the business operations window. A vendor must record, and shall make available to the City upon request, the following scooter maintenance information: (i) the frequency and extent of scooter maintenance and cleaning; (ii) employees, services, or contractors conducting

scooter maintenance for the vendor; (iii) the average lifespan of main scooter parts, and (iv) the vendor's scooter disposal and recycling practice.

8. ***Geo-fencing.*** The Commissioner may require a vendor to use geo-fencing technology and capability to restrict operations in certain areas, including, but not limited to, during special events or emergencies, or during public safety, or operational needs as determined by the Commissioner, to exclude areas outside of the jurisdiction of the City, or based on data, complaints, or other information gathered during the pilot program. In addition, a vendor is required to use geo-fencing technology and capacity to restrict operations in the Bloomingdale Trail (the 606), the Central Business District and the Lakefront Trail as shown in the attached Second Phase Scooter Sharing Pilot Area Map. It is the responsibility of the vendor to implement and notify users of this restriction. Also, the vendor must use a geo-fencing technology, including technology to decelerate and ultimately stop scooters that are being operated from inside the pilot area to a quarter of a mile outside of the pilot area, so that its scooters cannot be operated outside of the permit area during the business operations window.
9. ***Equity Requirements.*** Vendors must be committed to addressing equity issues and utilizing their scooter service to expand mobility to people facing financial and technological barriers. These barriers must be addressed in vendors' operations and communications programming, including providing cash payment options for the unbanked community, and providing locating and locking capabilities without the use of smartphones for customers with limited technology access. To support public knowledge of these options, vendors must create and distribute print publications and a webpage explaining their cash payment options, phone access, program qualifications (if any), and how residents can access scooters via these methods.
10. ***Hiring plans.***
 - (a) Vendors are encouraged to include in their hiring plan steps they will take to identify, train, and employ local residents that have been historically disadvantaged in participating in the local economy.
 - (b) Vendors are also encouraged to have specific contracting goals for minority and women-owned businesses including, but is not limited to, the creation of local

workforce development and training programs, and the establishment of partnerships with local workforce development and training programs or organizations.

- (c) Vendors must, to the extent practically possible, implement their hiring approaches immediately and uphold their commitments over the duration of the pilot program.
- (d) Vendors are encouraged to hire: (i) 75% of their staff from Chicago; and (ii) at least 30% of their staff from job training placement programs operating in Chicago.

11. Rebalancing.

- (a) Vendors must relocate any scooter parked outside of the pilot area, and any non-functional scooter, within 2 hours of notification by the City or a resident.
- (b) A vendor must have at least 2.5 percent (2.5%) of its scooters in each of the 20 Priority Sub-Areas. A vendor must rebalance scooter distribution in the 20 Priority Sub-Areas, at least twice a day at 7 a.m. and 2 p.m. The City may check scooter rebalancing status at these at other times at its discretion.

12. Parking.

- (a) A vendor must be equipped with photo and geo-fencing technology to ensure parking compliance. A vendor must require its customers to properly park scooters they rented and must also require those customers who rent scooters with their smartphones to send pictures of such properly parked scooters to the vendor at the end of the trip.
- (b) Scooters must be parked in compliance with Section 9-52-070 of the Code, which states that: “No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk against a rack, parking meter or sign pole to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.” Under the law scooters must be parked as a bike would be parked. Scooters may also be parked in compliance with as otherwise specifically provided in Section 9-52-130 or other parts of the Code.
- (c) In addition to compliance with Section 9-52-070 of the Code and other applicable provisions of the Code: (i) scooters must be parked upright and with a minimum of 6 feet clearance between the scooter and all public way encumbrances; (ii) scooters cannot be parked within 10 feet of street corners or intersections, or along building facades or block fire hydrants, bus stops, loading zones, or building access points; and

- (iii) parked scooters must be locked to a fixed physical object allowed for such locking, including a rack, parking meter or sign pole.
- (d) Vendors shall remedy any issues regarding the vendor's scooters that are not parked lawfully or in accordance with conditions attached to the issuance of the emerging business permit within 2 hours of the report, 24 hours a day, 7 days a week.
- (e) Vendors are encouraged to take proactive steps to prohibit the parking of excessive number of scooters in a single location.

13. *Outreach and education.*

- (a) Vendors are strongly encouraged to share educational messages within CTA trains, buses, stations and stops. These educational messages must show diversity and the safe behaviors that are expected of scooter riding and parking.
- (b) Vendors are required to create a package of educational messaging for social media that are to address the following five topics: (i) proper riding; (ii) proper parking; (iii) sharing the bike lane; (iv) riding with the flow of traffic; and (v) what to do in the event of a crash. Vendors must share this educational messaging with the City of Chicago's SAFE Ambassadors and Vision Zero team to share on social media platforms. Each vendor is also required to share messaging on the above topics to a large audience on a major social media platform at least three times per week for the duration of the Second Phase Scooter Sharing Pilot.
- (c) Vendors are required to partner with the Chicago Police Department (CPD) in Vision Zero areas and in the pilot area to provide free helmets. Vendors are also required to partner on scooter education at least once per month. Vendors are especially encouraged to partner with the following CPD districts: 3, 5, 6, 7, 10, 11, 12, 15, 22, 25.
- (d) Vendors are required to engage with the CPD for National Night Out, offering free rides and helmets for participating residents of the city.
- (e) Vendors are required to partner with City of Chicago SAFE Ambassadors at a minimum of two community events on the West and South sides each month, for a total of eight community events. Vendors must offer free learn-to-ride opportunities with helmet giveaways.
- (f) Vendors are required to create an app-based quiz for new users that includes safety questions addressing, at least, sharing the lane, the proper direction of travel and

exclusion areas. The City's Department of Transportation must approve the questions, and the user must answer 80% of questions correctly to proceed using a scooter under the pilot program.

14. *Consumer agreements and privacy.*

- (a) Vendors must provide a copy of their user agreements and privacy policies to the Commissioner. Vendors must provide notice to the Commissioner regarding any changes to these terms of service, user agreements, or privacy policies for the duration of the business operations window of the pilot program.
- (b) Vendors shall not require users to share their private data with third parties in order to use the vendors' scooters. Vendor may allow users to opt-in (not to opt-out) to providing access to their contacts, photos, files, other private data and third-party data sharing only with clear notice to the customer.

15. *Safety and regulations.*

- (a) Vendors shall not rent their scooters to any individual who is under the age of 18 years old as part of the pilot program. Provided, however, vendors may rent scooters to any individual who is 16 or 17 years old with the consent of the parent or guardian of such individual.
- (b) Vendors must have visible language on the vendors' website and smartphone application that informs operators about applicable laws and regulations requiring operators to agree to follow rules before allowing them to unlock a scooter. Vendors must also have visible language on vendors' website and smartphone application that informs riders about proper scooter parking practices.
- (c) Vendors shall work with local businesses or other organizations to promote the use of helmets by scooter users through partnerships, promotional credits, and other incentives.

16. *Data Sharing requirements.* Each vendor shall integrate data with the City with GBFS and MDS standards. Each vendor shall cooperate with the City's Department of Department of Assets, Information, and Services to ascertain whether such vendor has the technological capability to integrate data with the City with GBFS and MDS standards. The following requirements shall apply regarding data sharing:

- (a) The City may update these data requirements at any time during the term of the pilot program and require vendors to use the most current version of the requirements.
- (b) Vendors shall establish and share API endpoints that adhere to the latest Mobility Data Specification API (“MDS”, available at <https://github.com/openmobilityfoundation/mobility-data-specification>).
- (c) Vendors shall provide a data sharing API that is compatible with the latest GBFS specification that can be found at: <https://github.com/NABSA/gbfs>
- (d) Vendors shall ensure that the City, including its contractors and employees, is provided with authentication tokens for accessing the MDS data. Email communication from the Commissioner of Business Affairs and Consumer Protection that a contractor or employee is working on behalf of the City shall be sufficient evidence to require the vendor to provide access to MDS feeds to the contractor or employee under this subsection.
- (e) Vendors shall provide other data sets related to the pilot program as requested by the City.
- (f) A vendor shall accompany any data made available to the City by an attestation, made under penalty of perjury, that the data submitted is accurate and complete.
- (g) Vendors shall assist the City in distributing an online survey to its customers upon request.

17. ***Scooters thrown in the City’s waters.*** Vendors acknowledge that, except as otherwise provided in the section, Section 11-4-1410 of the Code prohibits throwing, discharging, dumping, disposing or depositing, or causing, suffering, allowing or procuring to be thrown, discharged, disposed or deposited any waste or material of any kind in Lake Michigan within three miles of the corporate limits of the City or in any other waters within the corporate limits of the City. If a vendor’s scooter is thrown, discharged, disposed or deposited in the City’s waters in violation of Section 11-4-1410 of the Code, in addition to any applicable penalty, the vendor shall, if practically possible, retrieve such scooter from the City’s waters within 24 hours of knowledge of the incident. If the vendor does not retrieve such scooter from the City’s waters within the specified time

limit, the City, in its sole discretion, may retrieve such scooter from the City's waters, and the vendor shall, in addition to being subject to other applicable penalties, reimburse the City's reasonable retrieval cost.

18. ***Reporting criminal activities and cooperation.*** If a vendor knows or suspects that any criminal activity is taking place in relation to the pilot program, such vendor shall immediately notify and cooperate with the Chicago Police Department. Vendor's cooperation with the Chicago Police Department, includes, but is not limited to, sharing information and data pertinent to the criminal activity to the extent permitted by law.

VIII. Enforcement.

- (a) A vendor's failure to comply with applicable legal requirements or the terms and conditions of the pilot program may result in the suspension or revocation or rescission of the vendor's emerging business permit, with or without prior notice, as provided in Section 4-4-022 of the Code. If a vendor's emerging business permit is suspended or revoked or rescinded, the City may direct the vendor to remove its scooters from the City's public right-of-way with a 24-hour notice.
- (b) The City may remove scooters that are not properly parked or that are left outside of the pilot area and are not remedied in accordance with the terms of the scooter sharing EBP. Nothing provided in this subparagraph VIII(b) shall be construed to limit the City's ability to remove, without waiting for a vendor's remedial action, any scooter that encumbers or obstructs any public way in order to protect the safety of its residents. Vendors must reimburse all costs the City incurs to remove scooters at a rate of \$100 per scooter. No scooter shall be retrieved without paying the removal cost. A scooter which is not retrieved by the vendor within 5 business days of notification of removal shall be deemed abandoned.
- (c) As provided in Section 4-4-022(k), operation of a business under the scooter sharing EBP shall constitute acceptance of the terms and conditions of Section 4-4-022 of the Code, any applicable rules, and the special conditions of the scooter sharing EBP. In addition to other applicable penalties, unless a different fine is provided by law, any vendor who violates Section 4-4-022 of the Code, any applicable rules, and the special conditions of the scooter sharing EBP shall be subject to the fine amount provided in 4-4-350 of the

Code, which is not less than \$200.00 nor more than \$1,000.00 for each offense, and each day that a violation continues shall constitute a separate and distinct offense.

IX. Applicability. The terms and conditions contained in this document apply to the Second Phase Scooter Sharing Pilot and supersede the terms and conditions for the First Phase Scooter Sharing Pilot.

X. Attachment.

Second Phase Scooter Sharing Pilot Area Map: Map showing the Pilot Area and Priority Sub-Areas.

