Agenda Item #: **3H-5**

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	November 1, 2016	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Developmen	t & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Exercise of the third option to extend Lease Agreement (R2006-0077), with Robert Weatherbee d/b/a The Sub Division (Sub Division), a sole proprietor, to continue to provide food services at the County's Vista Center 2300 Building in West Palm Beach at an annual rate of \$10,247.85/year.

Summary: Since January 1, 2007, Sub Division has been leasing 349 square feet of space in the lunchroom area to provide food services at the County's Vista Center 2300 Building. On September 10, 2013, the Board approved a Third Amendment (R2013-1225) which extended the Lease Agreement for one (1) year through December 31, 2014, and added three (3) additional one (1) year extension options. Sub Division has requested the County's consent to his exercise of the third and final extension option which will extend the term through December 31, 2017. Annual rent during this extension will be increased by 4% to \$10,247.85/year. PREM expects to issue a Request for Proposals (RFP) to lease space and provide food services in the summer of 2017. PREM will continue to have administrative responsibility for this Lease Agreement. All other terms of the Lease Agreement remain in full force and effect. (PREM) District 2 (HJF)

Background and Justification: On July 31, 2005, Staff issued an RFP to lease space and provide food services at the County's Vista Center 2300 Building. On January 10, 2006, the RFP was awarded to Sub Division (R2006-0077). The Lease Agreement premises consist of 349 square feet within the lunchroom area of the 2300 Building, together with the use of two (2) unassigned parking spaces within the parking garage. Pursuant to the RFP, Sub Division was required to pay for interior improvements, alterations and provide the kitchen equipment necessary to operate.

On December 1, 2009, the Board approved a First Amendment (R2009-2063) suspending the required 4% annual rent increase for a period of one (1) year due to economic conditions caused, in part, by the reduction of County staff located at the buildings at Vista Center. The 4% annual increases recommenced on January 1, 2011. On December 6, 2011, the Board approved a Second Amendment (R2011-1936) exercising the first extension option. In November of 2012, Sub Division provided Staff documentation evidencing product costs had increased by approximately 25% and Staff authorized an increase in menu prices by approximately 13%. On December 4, 2012, the Board consented to the exercise of the second and final one (1) year extension option (R2012-1789).

(Continued on Page 3)

Attachments:

- 1. Location Map
- 2. Board Extension Consent Letter
- 3. Letter dated August 5, 2016, from Robert Weatherbee

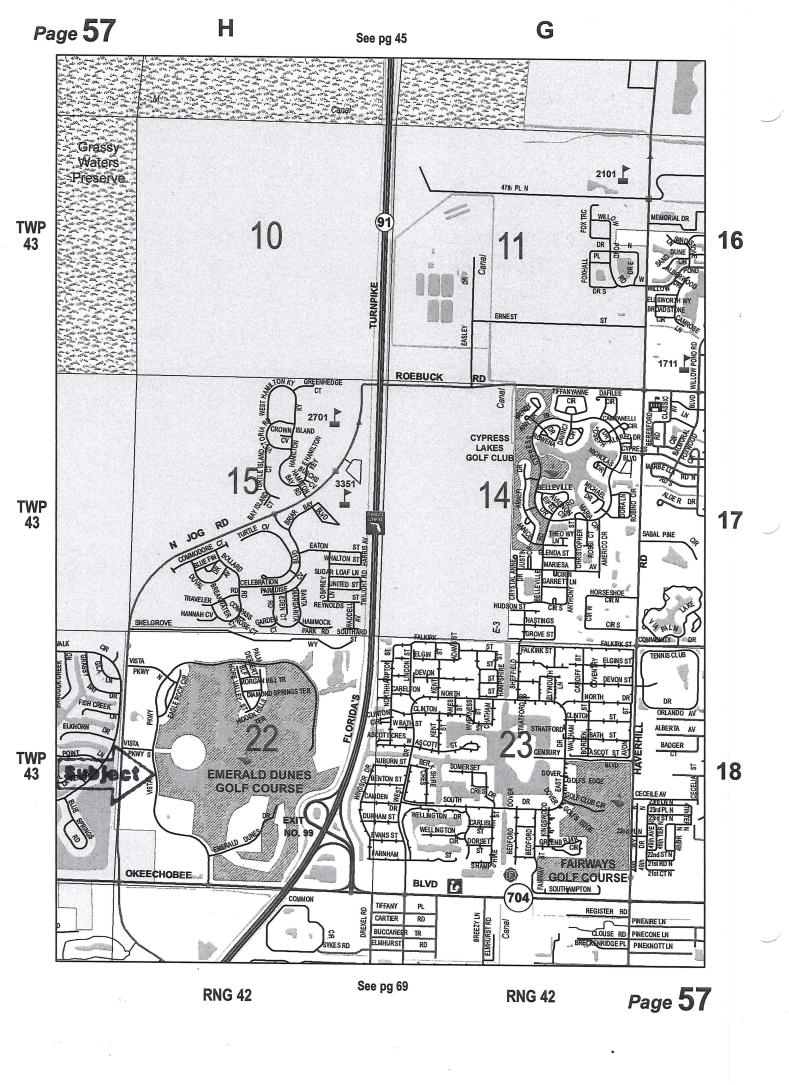
Recommended By:	The state of the s	10/4/16	
	Depaktment Director	Date	
Approved By:	Maken	10/27/16	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

Α.	Five Year Summary of	Fiscal Impact:				
Fisca	al Years	2017	2018	2019	2020	2021
Oper Exte Prog	ital Expenditures rating Costs rnal Revenues gram Income (County) ind Match (County	(\$7,686)	<u>(\$2,56</u> 2)			
NET	FISCAL IMPACT	(\$7,686)	(\$2,562)			
	DITIONAL FTE ITIONS (Cumulative)					
Is Ite	em Included in Current B	udget: Yes	No	0		
Budg	get Account No: Fund	0001 Dept Program		nit <u>8001</u>	Object <u>6225</u>	
В.	Recommended Sources		ary of Fiscal	Impact:	2 6	
	Fixed Assets Number: 1	M09333	:		10-13-1	
C.	Departmental Fiscal Re	view:		A~	10-13-16	
		III. <u>REVIE</u> V	V COMMEN			
A.	OFMB Fiscal and/or Co		ontract Devel	Jarko	w 10126/	16
В.	Legal Sufficiency: Assistant County Attorney	- <u> 27/16</u> 	·			
C.	Other Department Revie	ew:				
	Department Director	·				

This summary is not to be used as a basis for payment.

Background and Justification (cont'd): On September 10, 2013, the Board approved a Third Amendment (R2013-1224) extending the term of the Lease Agreement for one (1) year through December 31, 2014, and added three (3) additional one (1) year extensions due to economic conditions negatively impacting food and beverage sales, which reduced the expected return on Sub Division's initial investment. Sub Division's first option was approved on December 16, 2014, (R2014-1980), the second option was approved on December 1, 2015 (R2015-1705), extending the term through December 31, 2016. Exercise of this third and final extension option will extend the term of the Lease Agreement through December 31, 2017. Staff expects to issue an RFP in the summer of 2017 to avoid any lapse in food service at 2300 Vista Center. Mr. Weatherbee has indicated he may retire and has offered to sell his kitchen equipment at a fixed cost to the selected respondent of the RFP. Staff supports Mr. Weatherbee's offer as it may eliminate a gap in providing food services to the building guests and users. Florida Statutes does not require a Disclosure of Beneficial Interests be obtained. Sub Division has affirmed that its non-discrimination policy is consistent with the County's policy.



LOCATION MAP Attachment 1 191



Attachment 2 Board Extension Consuct Letter (1 page)



CERTIFIED MAIL RETURN RECEIPT REQUESTED

November 1, 2016

Facilities Development & Operations Department

Property & Real Estate Management Division

2633 Vista Parkway
West Palm Beach, FL 33411
Telephone - (561) 233-0217
Facsimile (561) 233-0210
www.pbcgov.com/fdo

Palm Beach County Board of County Commissioners

Mary Lou Berger, Mayor
Hal R. Valeche, Vice Mayor

•

Paulette Burdick

Shelley Vana

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Robert Weatherbee d/b/a The Sub-Division 5255 Whitewood Cove South Lake Worth, FL 33467

Re: Exercise of Option 3 of 3 to Renew Lease Agreement, as Amended, dated January 10, 2006 (R2006-0077)

Dear Mr. Weatherbee:

Pursuant to the provisions of Section 1.07 of the above referenced Lease Agreement, as amended, Palm Beach County hereby accepts your exercise of option 3 to extend the term of the Lease for one (1) year through December 31, 2017.

ATTEST:

SHARON R. BOCK CLERK & COMPTROLLER PALM BEACH COUNTY, a political subdivision of the State of Florida

By:______
Deputy Clerk

By: Mary Lou Berger, Mayor

APPROVED AS TO FORM LEGAL SUFFICIENCY

Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

Department Director

G:\PREM\PM\In Lease\Vista Center Food Service\Opt 3 of 3 per Amd #3 2016\BCC Extension Ltr. hf app 8-15-2016.docx

The Sub Division Robert Weatherbee, sole proprietor 5255 Whitewood Cove Lake Worth, Florida 33467 561-681-4700

Hand Delivered

August 5, 2016

Palm Beach County Property and Real Estate Management Division Attention Ross C. Hering, Director 2633 Vista Parkway West Palm Beach, FL 33411

RE: Request Exercise of third of three one-year options pursuant to the Third Amendment (R2013-1225) approved September 10, 2013, to Lease Agreement (R2006-0077), dated January 10, 2006 between Palm Beach County and Robert Weatherbee d/b/a the Sub Division, a sole proprietor.

Dear Mr. Hering:

Pursuant to Section 1.07 as amended, of the above referenced lease agreement please accept this as my request to exercise my third and final one-year extension option.

Sincerely

Robert Weatherbee D/B/A the Sub Division

Cc: County Attorney's Office, Palm Beach County

Richard C. Bogatin, Property Specialist

Attachment 3 1 page

Summary of Certificates

This report displays detailed Certificate of Insurance information for a selected Insured. Any items shown in red are deficient.

Tuesday, September 20, 2016

Contracts Simple View Certificate Images

Insured:

Robert Weatherbee

Insured ID: R2006-0077

Status:

Compliant (with overrides)

ITS Account Number:

PLC1380

Project(s):

Palm Beach County - Facilities PREM

Provided Required Insurance Policy **General Liability** Expiration: 5/4/2017 \$2,000,000 \$2,000,000 General Aggregate: **Products - Completed Operations** \$1,000,000 \$1,000,000 Aggregate: \$1,000,000 \$1,000,000 Personal And Advertising Injury: \$1,000,000 \$1,000,000 **Each Occurrence:** \$100,000 \$100,000 Fire Damage: \$5,000 \$5,000 Medical Expense: not provided Workers Compensation/Employers Liability WC Stat. Limits Special Form and

Business Personal Property

Expiration: 7/19/2017

Special Form and Replacement Cost Fire, Sprinkler Leakage,

Vandalism and Malicious **Mischief Coverage Business Interruption** Coverage

Each Occurrence: Aggregate Limit:

Replacement Cost Fire, Sprinkler Leakage, Vandalism and Malicious **Mischief Coverage Business Interruption**

<u>Override</u>

Χ

Coverage \$20,000 \$20,000

Notifications

There were no deficiency letters issued.

Do you have an updated Certificate? Click the button below to submit a Certificate.

\$0

\$0

Certificate Submittal

STATEMENT OF EXEMPTION FROM WORKER'S COMPENSATION REQUIREMENT

TO: Palm Beach County Board of County Commissioners Property and Real Estate Management

> Attn: Director 2633 Vista Parkway West Palm Beach, FL 33411

SEP - 2 2016

This will affirm that:

- 1. We are not engaged in the "construction industry" as defined in FL Chapter 440 and do not employ more than three persons (including Corporate Officers, if any).
- 2. We do not carry Florida Workers Compensation insurance.
- 3. Any persons that we may engage to work will have legal status as independent contractors, and not employees.
- 4. All such independent contractors have been advised that they are not covered for Workers Compensation insurance, and would be responsible for carrying their own such coverage if they desire.
- 5. If we should fall under Florida's requirement for carrying Workers Compensation insurance, we shall immediately obtain such coverage and provide evidence of it to you.

Accordingly, we hereby apply for exemption from Palm Beach County's requirement for carrying Workers Compensation insurance.

Robert Weatherbee	
(Please Print Name)	
1 an HM	9/2/16
Śignature/Title	Date [′]
Robert Weatherbee D/B/A, Sub Division (Sole-Proprietor) Company Name	_

C:\Users\pbelizaire\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\2G87GSPR\Workers Comp Waiver.docx

5255 Whitewood Cove South, Lake Worth, FL 33467

Company Street Address/City/State/Zip Code

Margaret Jackson

From:

Scott Marting Friday, September 23, 2016 8:47 AM

Sent: Friday, Se

To: Cc: Richard Bogatin

Subject:

Margaret Jackson RE: Vista Food Service Opt 3 of 3 W/C waiver approval (Sub Division)

It is acceptable.

Thanks!

From: Richard Bogatin

Sent: Friday, September 23, 2016 8:35 AM

To: Scott Marting **Cc:** Margaret Jackson

Subject: Vista Food Service Opt 3 of 3 W/C waiver approval (Sub Division)

Good Morning Scott,

Attached is Mr. Weatherbee's (D/B/A Sub Division) waiver for workers comp coverage for the 2300 Vista Food Service Concession.

Please respond to confirm this is acceptable.

Richard C. Bogatin
Property & Real Estate Management
2633 Vista Parkway
West Palm Beach, FL 33411-5605
(561) 233-0214 Phone (561) 233-0210 Fax
Rbogatin@pbcgov.org

August 16, 2016, page 1 of 1 /

Below is information on the justification for the figures listed on the attached BAS for the second of three, one-year renewal options for the Food Service Agreement (Agreement) with Robert Weatherbee, sole proprietor, d/b/a The Subdivision., for the continued use of a portion of the lunchroom area to provide food service at the 2300 Vista Center building for \$10,247.85/year (\$853.99/month)

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures					
Operating Costs External Revenues	(\$7,685 .91)	(\$2,561.97)			
Program Income (County) In-Kind Match (County)	·				
NET FISCAL IMPACT	(\$7,685.91)	(\$2,561.97)	\$-0-	\$-0-	\$-0-
	<u>(\$7,063.91)</u>	$(\Psi^2, SO1. \mathcal{I})$	<u>Φ-0</u>	Ψ-0	<u> </u>
# ADDITIONAL FTE POSITIONS (Cumulative)	· · · · · · · · · · · · · · · · · · ·				

FY17:

- The Agreement with Subdivision expires on 12/31/2016.
- The current rent is \$ 9,853,70/year (\$821.14 /month)
- This third of three renewal options extends the term for one year from 1/1/2017 12/31/2017 and the rent increases by 4%.

The rent for this renewal option will be 9.853.70/year + 4% = 10.247.85/year (\$853.99 /month).

- Rent for FY17 would be:

1/1/2017 - 9/30/2017 = 9 months. $$853.99 \times 9$ months = \$7,685.91.

FY16 TOTAL = \$7,685.91

FY18:

Rent for FY18 would be:

10/1/2017 - 12/31/2017 = 3 months. \$853.99 x 3 months = \$2,561.97

FY17 TOTAL = \$2,561.97

FY19 - FY21: \$-0-

G:\PREM\PM\In Lease\Vista Center Food Service\Opt 3 of 3 per Amd #3 2016\BASFiscalInfo.8.16.16.docx