

50-2

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 16, 2018 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) adopt a Resolution authorizing an extension to the term of the Concessionaire Service Agreement (Agreement) dated October 21, 2014 (R2014-1635), as amended, with Tennis Insights, Inc. (Tennis Insights), for the continued management and operation of the Tennis and Racquetball Center (Center) at Burt Aaronson South County Regional Park for a period of 30 days commencing on November 1, 2018, and continue on a month to month basis, if necessary, until terminated at a monthly rate of \$1,485.69 (\$17,828.29 annually); and

B) approve the Notice to Extend the Term of Agreement dated October 21, 2014 (R2014-1635), as amended.

Summary: Tennis Insights has managed and operated the Tennis and Racquetball Center (Center) at Burt Aaronson South County Regional Park under this current Agreement since October 2014. In May 2018, a Request for Proposals (RFP) was issued for tennis and racquetball concession services at the Park and staff is finalizing a concessionaire agreement with the selected respondent. The term of the Agreement expires on October 31, 2018. Rather than close the Center until a new concessionaire agreement is awarded, Tennis Insights has agreed to continue to operate and manage the Center until such time an award is made, at the same rent of \$1,485.69 per month. Staff believes it to be in the County's best interest to extend the Agreement for a period of 30 days so that staff can schedule the new concessionaire agreement for the November 20, 2018, Board meeting. This extension will extend the term of the Agreement for a period of 30 days commencing on November 1, 2018, and continue on a month to month basis, if necessary, to coincide with the approval of the new concessionaire agreement. The rent will remain at the current rate of \$17,828.29/year (\$1,485.69/monthly). County may terminate the Agreement at any time upon 15 days notice to Concessionaire. All other terms and conditions of the Agreement shall remain in full force and effect. Parks will continue to have administrative responsibility for this Agreement. (PREM) District 5 (HJF)

Background and Policy Issues: On October 21, 2014, the Board approved the Agreement with Tennis Insights. The initial term was November 1, 2014 through October 31, 2017. The Agreement required that Tennis Insights spend of a minimum of \$150,000.00 in improvements to the licensed area during the initial term in order to exercise its option to extend, which Tennis Insights had not expended. Rather than terminate the Agreement, Parks recommended that Tennis Insights be allowed to continue operations for an additional year so that a new RFP could be prepared.

Continued on Page 3

Attachments:

- 1. Location Map
- 2. Resolution (w/Exhibit A)
- 3. Notice to Extend Term of Concessionaire Service Agreement (R2014-1635), as amended
- 4. Budget Availability Statement

Recommended By: [Signature] Department Director 9/20/18 Date
Approved By: [Signature] County Administrator 10/9/18 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$16,343)	(\$1,486)	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$16,343)</u>	<u>(\$1,486)</u>	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes No

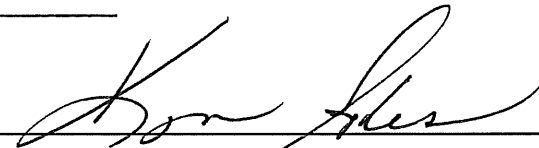
Does this item include the use of federal funds? Yes No

Budget Account No: Fund 0001 Dept 580 Unit 5111-07 Rev 4726

B. Recommended Sources of Funds/Summary of Fiscal Impact:


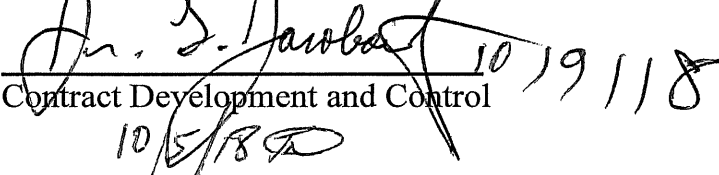
The term of this Agreement is being extended for a period of 30 days commencing on November 1, 2018, and continue on a month to month basis, if necessary, until terminated at a monthly rate of \$1,485.69 (\$17,828.29 annually).

Fixed Assets Number n/a

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

<p><u></u> 9/27/18 OFMB</p> <p><i>9/26/18</i> <i>9/25</i> <i>9/24</i></p>	<p><u></u> 10/19/18 Contract Development and Control</p> <p><i>10/5/18</i></p>
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B. Legal Sufficiency:

 10/9/18
Assistant County Attorney

C. Other Department Review:

Department Director

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

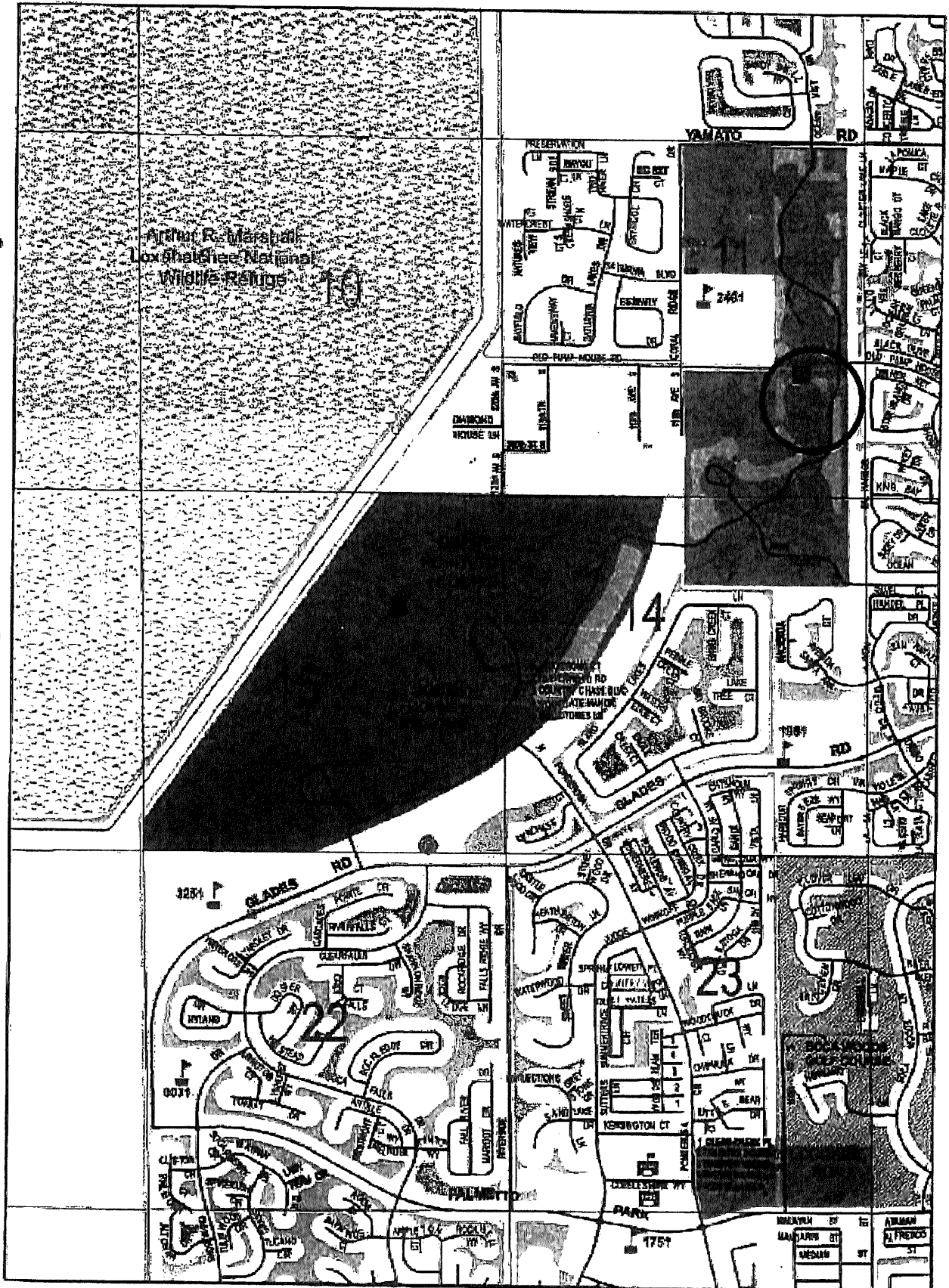
Background and Policy Issues Cont'd: On October 17, 2017, the Board approved the First Amendment to Concessionaire Agreement (R2017-1588) which extended the term of the Agreement for one (1) year until October 31, 2018, with no renewal extension options, to allow time for staff to pursue options for the continued management and operation of the Center. In May 2018, an RFP was issued and staff is finalizing a concessionaire agreement with the selected respondent. Rather than close the Center until a new concessionaire agreement is awarded, Parks has requested Tennis Insights to continue to operate and manage the Center until an award is made. The new concessionaire agreement is anticipated to be presented to the Board for approval at the November 20, 2018, meeting. Rent will remain at the current rate of \$1,485.69 per month.

State Statutes do not require a Disclosure of Beneficial Interests be obtained when the County leases property to a tenant; however, Tennis Insights provided a Disclosure of Beneficial Interests in 2014 and has informed staff that no changes have occurred. Peter Davis, President, continues to hold a 100% beneficial interest in Tennis Insights, Inc.

TWP 47

TWP 47

TWP 47



RNG 41

See pg 127

RNG 41

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LOCATION MAP



Attachment #1

Attachment #2
Resolution w/ Exhibit "A"
(5 pages)

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING AN EXTENSION TO THE TERM OF THE CONCESSIONAIRE SERVICE AGREEMENT WITH TENNIS INSIGHTS, INC., A FLORIDA CORPORATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Tennis Insights, Inc., (Concessionaire), pursuant to a Concessionaire Service Agreement dated October 21, 2014 (R2014-1635), as amended, manages and operates the Tennis and Racquetball Center (Center) at Burt Aaronson South County Regional Park; and

WHEREAS, the Term of the Agreement as extended by the First Amendment to the Agreement dated October 17, 2017 (R-2017-1588), expires on October 31, 2018, with no renewal extension options to allow time for staff to pursue options for the continued management and operation of the Center, and

WHEREAS, in May 2018, a Request for Proposals was issued for tennis and racquetball concession services at the Park and staff is finalizing a concessionaire agreement with the selected respondent. It was anticipated that the new concessionaire agreement would be awarded before the expiration of the existing Concessionaire Service Agreement; and

WHEREAS, rather than close the Center until a new concessionaire agreement is awarded, the Concessionaire has agreed to continue to operate and manage the Center until such time an award is made at the same rent of \$1,485.69 per month; and

WHEREAS, the Concessionaire provides a service for the benefit of the public and the County wishes to retain the Concessionaire's operations at the Center until such time as a new concessionaire agreement is awarded; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the extension to the Term of the Concessionaire Service Agreement is in the best interest of the County as this extension to the Concessionaire Service Agreement with Tennis Insights, Inc. will ensure continued concession operations at the Center.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Recitals

The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Authorization to Extend the Term of the Lease

The Board of County Commissioners of Palm Beach County shall extend the Term of Concessionaire Service Agreement pursuant to the Notice to Extend Term of Concessionaire Service Agreement (R2014-1635), dated October 16, 2018, attached hereto and incorporated herein by reference, at a Guaranteed Annual Rent of \$17,828.29 (\$1,485.69 per month) as established by the First Amendment to Concessionaire Service Agreement.

Section 3. Conflict with Federal or State Law or County Charter.

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

Section 4. Effective Date.

The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing Resolution was offered by Commissioner _____ who moved its adoption. The Motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner Melissa McKinlay , Mayor
- Commissioner Mack Bernard, Vice Mayor
- Commissioner Hal R. Valeche
- Commissioner Paulette Burdick
- Commissioner Dave Kerner
- Commissioner Steven L. Abrams
- Commissioner Mary Lou Berger

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2018.


PALM BEACH COUNTY, a political subdivision of the State of Florida

BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:  _____
Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

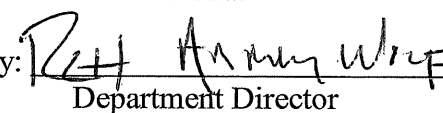
By:  _____
Department Director

EXHIBIT "A"

**NOTICE TO EXTEND TERM OF
CONCESSIONAIRE SERVICE AGREEMENT (R2014-1635), AS AMENDED**



October 16, 2018

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

Melissa McKinlay, Mayor

Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

Peter Davis, President
Tennis Insights, Inc.
6723 Via Regina
Boca Raton, FL 33433

Re: Notice to Extend Term of Concessionaire Service Agreement (R2014-1635), as amended
Tennis and Racquetball Center at Burt Aaronson South County Regional Park

Dear Mr. Davis:

This letter will confirm that the term of the Concessionaire Service Agreement dated October 21 2014 (R2014-1635), as amended, will be extended for a period of 30 days commencing on November 1, 2018, and shall thereafter continue on a month to month basis, if necessary, until terminated by County, at its sole discretion, upon 15 days prior notice to Concessionaire. The Guaranteed Annual Rent shall continue at the current rate of \$1,485.69 per month. All other terms and conditions of the Agreement, as amended, remain unmodified and in full force and effect.

Thank you for your cooperation in this matter.

Sincerely,

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

COUNTY:
PALM BEACH COUNTY, a political subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Assistant County Attorney

By: _____
Department Director

October 16, 2018
Notice to Extend Term of
Concessionaire Service Agreement (R2014-1635), as amended
Tennis and Racquetball Center at Burt Aaronson South County Regional Park
Page 2

Acknowledgment:

Tennis Insights, Inc, Concessionaire, hereby acknowledges and agrees to accept the foregoing extension of the Concessionaire Service Agreement.

Concessionaire:

By: _____
Peter Davis, President Date

Attachment #3
Notice to Extend Term of Concession
Service Agreement (R2014-1635), as amended
(2 pgs)



October 16, 2018

Peter Davis, President
Tennis Insights, Inc.
6723 Via Regina
Boca Raton, FL 33433

Facilities Development & Operations Department

Property & Real Estate Management Division

2633 Vista Parkway

West Palm Beach, FL 33411

Telephone - (561) 233-0217

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Palm Beach County Board of County Commissioners

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Thank you for your cooperation in this matter.

Sincerely,

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

COUNTY:
PALM BEACH COUNTY, a political subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: 
Assistant County Attorney

By: 
Department Director

October 16, 2018
Notice to Extend Term of
Concessionaire Service Agreement (R2014-1635), as amended
Tennis and Racquetball Center at Burt Aaronson South County Regional Park
Page 2

Acknowledgment:

Tennis Insights, Inc, Concessionaire, hereby acknowledges and agrees to accept the foregoing extension of the Concessionaire Service Agreement.

Concessionaire:

By:  9/20/18
Peter Davis, President Date

BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 9/19/2018 REQUESTED BY: Margaret Jackson PHONE: 233-0212
 FAX: 233-0210

PROJECT TITLE: Tennis Insights Concessionaire Service Agreement PROJECT NO.:
 Burt Aaronson South County Regional Park – 30 day extension, extending month to month if
 necessary

Fiscal Years	2019	2020			
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$16,342.59)	(1485.69)	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(\$16,342.59)	(1485.69)	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

*** By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.*

BUDGET ACCOUNT NUMBER
 FUND: 0001 DEPT: 580 UNIT: 511-07 REV: 4726
 OBJ: 4726
 SUB OBJ:

IS ITEM INCLUDED IN CURRENT BUDGET: YES NO

IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check all that apply)

- Ad Valorem (source/type: _____)
- Non-Ad Valorem (source/type: _____)
- Grant (source/type: _____)
- Park Improvement Fund (source/type: _____)
- General Fund Operating Budget Federal/Davis Bacon

Department: Parks & Recreation

BAS APPROVED BY: PDC [Signature] DATE: 9/19/18

ENCUMBRANCE NUMBER: _____

Attachment #4
1 pg