

3EE-6

Agenda Item #: _____

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 9/14/2021 Consent Regular
 Ordinance Public Hearing

Department

Submitted By: TOURIST DEVELOPMENT COUNCIL

Submitted For: TOURIST DEVELOPMENT COUNCIL

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: The Fifth Amendment to the Agreement dated October 17, 2017, with Discover Palm Beach County, Inc., d.b.a. Discover The Palm Beaches (Discover) (R2017-1633) for the provision of services under the County’s Tourist Development Plan for the period October 1, 2021 through September 30, 2022, for the total budgeted amount of \$23,320,183

Summary: The Fifth Amendment updates for Fiscal Year 2021 Exhibit “A”- Annual Budget, Exhibit “H” – Performance Measures, Exhibit “K” – Organizational Chart, Exhibit “L” – Insurance, and Exhibit “M” – Diversity Survey, to be executed in Fiscal Year 2022. Included is \$13,287,000 in contractual services, \$6,466,400 in requested stimulus funding, \$3,216,770 in reserves, and \$350,013 in indirect costs for a total budgeted amount of \$23,320,183. This will be the fifth Amendment and final year of a five-year Agreement. The Fifth Amendment and exhibit changes have been reviewed and approved by the Tourist Development Council (TDC) Finance Committee and the TDC Board. Countywide (AH)

Background and Justification: Under the current Agreement, Discover develops and implements an Annual Marketing Plan to directly promote Palm Beach County Tourism. All expenditures by Discover under the Agreement must be made in accordance with an Annual Operating Budget included as Exhibit “A” to the Agreement, which is amended annually to reflect County annual appropriations. The Fifth Amendment adopts a new Exhibit “A” (Annual Budget), updates Exhibit “H” (Performance Measures), Exhibit “K” (Organizational Chart) reflecting unfunded and furloughed positions, Exhibit “L” (Insurance), and Exhibit “M” (Diversity Survey) reflecting the current levels of staffing diversity. The Amendment also adds certain County standard language on E-Verify.

Attachment: Fifth Amendment to the Agreement with Discover Palm Beach County, Inc.

Recommended by: [Signature] Date: 9/20/21
Department Director

Approved By: [Signature] Date: 9/2/21
County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:


Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs	13,287,000	13,951,350	14,648,918	15,381,363	16,150,432
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	13,287,000	13,951,350	14,648,918	15,381,363	16,150,432
# ADDITIONAL FTE POSITIONS (Cumulative)					

ADDITIONAL FTE POSITIONS (Cumulative) - 0- 0---- 0---- 0---- 0-----

Is Item Included In Proposed Budget? Yes X No. _____
 Does this item include the use of federal funds? Yes _____ No X

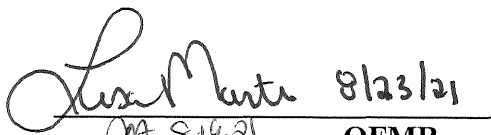
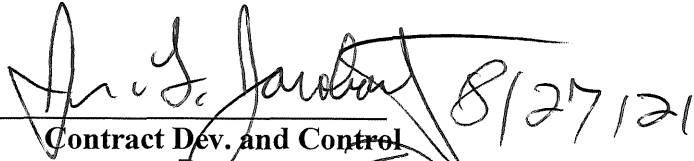
Budget Account No.: Fund 1454 Dept 710 Unit 7420 Object 3401
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 Discover Palm Beach County receives 48.32% of the 2nd, 3rd, 5th, and 6th pennies of the Local Option Bed Tax

C. Department Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

 8/23/21  8/27/21
 OFA 8/14/21 OFMB Contract Dev. and Control
 MG 8/23/21 8-27-21 TW

B. Approved as to form and Legal Sufficiency:


 County Attorney

C. Approved as to Terms and Conditions:

 Department Director

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

**FIFTH AMENDMENT TO THE AGREEMENT BETWEEN PALM BEACH COUNTY ON
BEHALF OF THE TOURIST DEVELOPMENT COUNCIL AND DISCOVER
PALM BEACH COUNTY, INC.**

THIS FIFTH AMENDMENT is made and entered into this _____ day of _____, 2021, to the Agreement dated October 17, 2017 (hereinafter referred to as the "Agreement") (R2017-1633 as amended), by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter referred to as "COUNTY"), and Discover Palm Beach County, Inc., d.b.a. Discover The Palm Beaches (hereinafter referred to as "DISCOVER").

WITNESSETH:

WHEREAS, the COUNTY and DISCOVER entered into a five-year Agreement whereby DISCOVER develops and implements an Annual Marketing Plan to directly promote Palm Beach County Tourism; and

WHEREAS, the Agreement requires an amendment to provide for certain revised Exhibits and new E-Verify language; and

WHEREAS, the parties have agreed that this Amendment is in the best interest of DISCOVER and the COUNTY's Tourism promotion program.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Exhibits "A", "H", "K", "L", and "M" of the Agreement are hereby deleted in their entirety and replaced with a new Exhibit "A" (FY 2022 Annual Budget), Exhibit "H" (Performance Measures), Exhibit "K" (Organizational Chart), Exhibit "L" (Insurance), and Exhibit "M" (Diversity Survey), all attached hereto and made a part hereof.

Effective immediately, the following new section is added to the Agreement:

2. **E-VERIFY – EMPLOYMENT ELIGIBILITY:** DISCOVER warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended, and that it: (1) is registered with the E-Verify System (E-Verify.gov), and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers; and (2) has verified that all of DISCOVER's subcontractors performing the duties and obligations of this Agreement are registered with the E-Verify System, and beginning January 1, 2021, use the E-Verify System to electronically verify the employment of all newly hired workers. DISCOVER shall obtain from each of its subcontractors an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an Unauthorized Alien, as that term is defined in section 448.095(1)(k), Florida Statutes, as may be amended. DISCOVER

shall maintain a copy of any such affidavit from a subcontractor for, at a minimum, the duration of the subcontract and any extension thereof. This provision shall not supersede any provision of this Agreement which requires a longer retention period. COUNTY shall terminate this Agreement if it has a good faith belief that DISCOVER has knowingly violated Section 448.09(1), Florida Statutes, as may be amended. If COUNTY has a good faith belief that DISCOVER's subcontractor has knowingly violated section 448.09(1), Florida Statutes, as may be amended, COUNTY shall notify DISCOVER to terminate its contract with the subcontractor and DISCOVER shall immediately terminate its contract with the subcontractor. If COUNTY terminates this Agreement pursuant to the above, DISCOVER shall be barred from being awarded a future Agreement by COUNTY for a period of one (1) year from the date on which this Agreement was terminated. In the event of such Agreement termination, DISCOVER shall also be liable for any additional costs incurred by COUNTY as a result of the termination.

3. This Amendment shall become effective when executed by the parties hereto.
4. All other terms and conditions of the Agreement dated October 17, 2017, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment on the day and year first written above.

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ATTEST:
JOSEPH ABRUZZO
CLERK & COMPROLLER

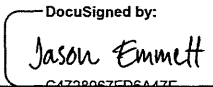
PALM BEACH COUNTY FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONER

By: _____
Deputy Clerk

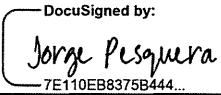
By: _____
Dave Kerner, Mayor

ATTEST:

DISCOVER PALM BEACH COUNTY, INC.

By: 

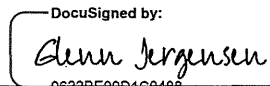
Jason Emmett
Board Authorization

By: 

Jorge Pesquera, President & CEO

Approved as to Terms
and Conditions

Approved as to Form and
Legal Sufficiency



Glenn Jergensen
TDC Executive Director



Deputy County Attorney

PALM BEACH COUNTY
Discover The Palm Beaches
Exhibit A

Discover FY21 Contract	FY19 Actual	20 Actual	FY21 Budget	FY21 Modified Budget	FY21 Forecast	FY22 Budget
Total Discover Contract	\$ 17,326,263	\$ 12,499,715	\$ 12,900,000	\$ 12,900,000	\$ 10,853,100	\$ 13,287,000
Marketing Stimulus	\$ -	\$ -	\$ 2,199,896	\$ 4,051,049	\$ 1,663,309	\$ 6,466,400
County Direct	\$ 92,748	\$ 97,241	\$ 330,295	\$ 330,295	\$ 330,295	\$ 350,013
Total Discover Expenses	\$ 17,419,011	\$ 12,596,956	\$ 15,430,191	\$ 17,281,344	\$ 12,846,704	\$ 20,103,413
Reserves	\$ 5,258,875	\$ 6,928,075	\$ 1,987,425	\$ 3,656,292	\$ 8,824,406	\$ 3,216,770
Total Discover Expense Budget	\$ 22,677,886	\$ 19,525,031	\$ 17,417,616	\$ 20,937,636	\$ 21,671,110	\$ 23,320,183

Exhibit H

DISCOVER THE PALM BEACHES**Palm Beach County, FL****FY 2022 OBJECTIVES****Marketing**

- 1 Consumer and Travel Industry database increases to 405,000 records
- 2 Generate 18,000,000 in Owned Views Digital Footprint
- 3 Generate 1,400,000 Social Engagements
- 4 Generate 600,000,000 Advertising Impressions - a universal performance measurement in advertising
- 5 Generate 200,000,000 Earned Media Impressions - a universal performance measurement in PR

Sales

- 6 Book 100,000 DTPB only room nights (Hotel Meetings Leads)
- 7 Generate 40,000 Group Level Booked Room Nights Convention Center Shared
- 8 Generate 30,000 Group Level Actual FY Room Nights for Convention Center Shared
- 9 Generate 70 participants in Destination Reviews
- 10 Generate 90 Destination Site participants

<u>PERFORMANCE MEASUREMENTS</u>	<u>Actual FY19</u>	<u>Actual FY20</u>	<u>Forecast* FY21</u>	<u>Proposed* FY22</u>
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Marketing

Consumer & Travel Industry Data Base	396,477	401,911	400,000	405,000
Unique Visitors to Web Site	2,579,047	Discontinue	Discontinued	Discontinued
Owned Views Digital Footprint	N/A	16,262,152	11,000,000	18,000,000
Social Engagement	1,601,515	1,899,202	1,200,000	1,400,000
Advertising Impressions	807,667,108	335,048,514	400,000,000	600,000,000
Earned Media Impressions	254,459,489	257,442,997	150,000,000	200,000,000

Sales

DTPB Only Booked Room Nights (Hotel Meetings Leads)	165,881	104,125	90,000	100,000
Group Level Booked Room Nights Convention Center Shared	54,159	37,920	26,876	40,000
Group Level Actual FY Room Nights for Convention Center Shared	39,590	25,029	18,000	30,000
Generate participants in Destination Reviews	79	56	55	70
Destination Site Participations	111	80	70	90

*Assumes continued recovery with no significant events disrupting the recovery such as new variants causing further restrictions. Also, key in-house meeting inventory will be off-line and reconfigured due to renovations

**DTPB Only Booked Room Nights for FY21 reflect 25,927 new bookings and 8,426 rebooked room nights on the books as of March 2021

***Convention Center Booked Room Nights for FY21 reflect an estimated 16,624 new bookings and 10,252 rebooked room nights forecasted as of March 2021

Exhibit K
Discover The Palm Beaches
FY2022 Organizational Chart

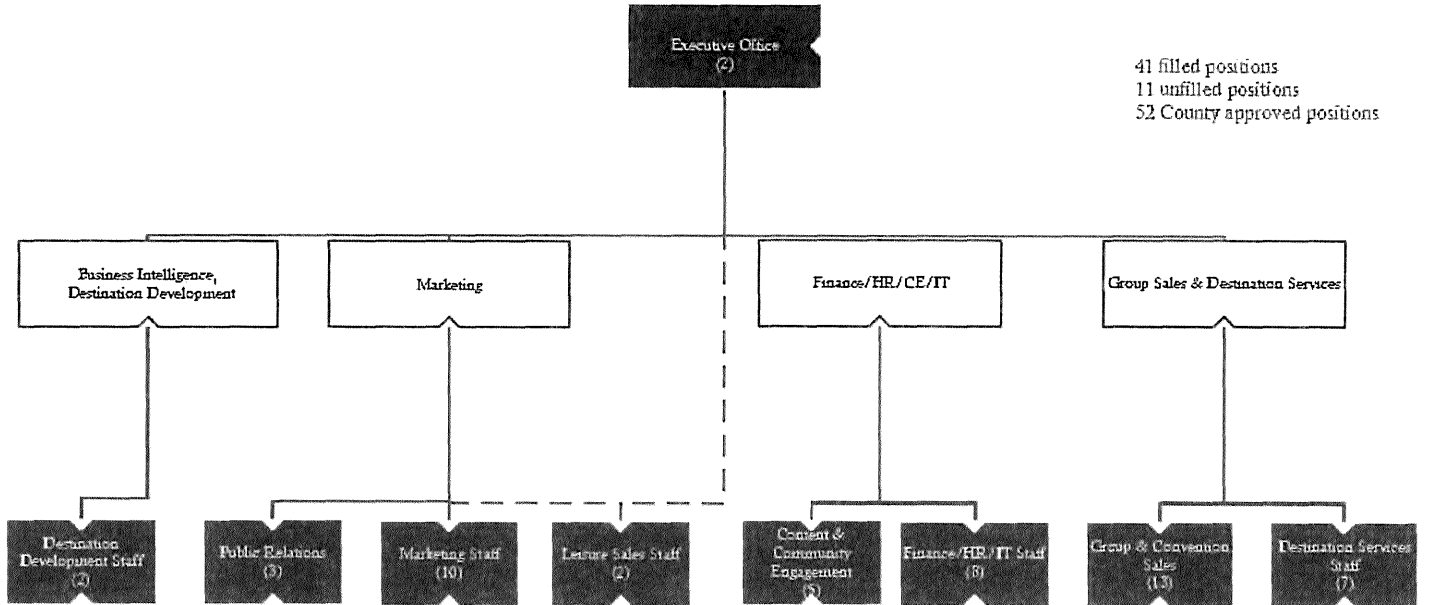


Exhibit M

Organization Name:	TOTAL STAFF MAY 2021					TOTAL STAFF JUNE 2020					TOTAL STAFF JUNE 2019					TOTAL STAFF JUNE 2018											
Discover	PBC	Ethnicity		Key		Total	Ethnicity		Key		Total	Ethnicity		Key		Total	Ethnicity		Key		Total	Ethnicity					
	%	Ethnicity	Female	Male	Staff	%	Ethnicity	Female	Male	Staff	%	Ethnicity	Female	Male	Staff	%	Ethnicity	Female	Male	Staff	%	Ethnicity	Female	Male	Staff	%	
Senior Management	54%	White	2	2	4	67%	White	1	2	3	75%	White	1	3	4	80%	White	1	2	3	60%	White	1	2	3	60%	
	18%	Black	0	0	0	0%	Black	0	0	0	0%	Black	0	0	0	0%	Black	0	0	0	0%	Black	0	0	0	0%	
	21%	Hispanic	1	1	2	33%	Hispanic	0	1	1	25%	Hispanic	0	1	1	20%	Hispanic	0	1	1	20%	Hispanic	0	1	1	20%	
	3%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian	0	0	1	1	20%	Asian	0	1	1	20%
	4%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	
Total	100%		3	3	6	100%		1	3	4	100%		1	4	5	100%		1	4	5	100%		1	4	5	100%	
Professional	54%	White	14	6	20	71%	White	12	7	19	66%	White	13	7	20	63%	White	15	8	23	72%	White	15	8	23	72%	
	18%	Black	2	2	4	14%	Black	3	2	5	17%	Black	2	3	5	16%	Black	3	0	3	9%	Black	3	0	3	9%	
	21%	Hispanic	1	2	3	11%	Hispanic	3	2	5	17%	Hispanic	4	3	7	22%	Hispanic	1	4	5	16%	Hispanic	1	4	5	16%	
	3%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian	1	0	1	3%	Asian	1	0	1	3%	
	4%	Other	1	0	1	4%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	
Total	100%		18	10	28	100%		18	11	29	100%		19	13	32	100%		20	12	32	100%		20	12	32	100%	
Administrative & Clerical	54%	White	2	0	2	50%	White	7	0	7	70%	White	7	1	8	67%	White	6	1	7	78%	White	6	1	7	78%	
	18%	Black	1	0	1	25%	Black	2	0	2	20%	Black	0	0	0	0%	Black	1	0	1	11%	Black	1	0	1	11%	
	21%	Hispanic	1	0	1	25%	Hispanic	1	0	1	10%	Hispanic	1	2	3	25%	Hispanic	1	0	1	11%	Hispanic	1	0	1	11%	
	3%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian	1	0	1	8%	Asian	0	0	0	0%	Asian	0	0	0	0%	
	4%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	
Total	100%		4	0	4	100%		10	0	10	100%		9	3	12	100%		8	1	9	100%		8	1	9	100%	
Total Agency	54%	White	18	8	26	68%	White	20	9	29	67%	White	21	11	32	65%	White	22	11	33	72%	White	22	11	33	72%	
	18%	Black	3	2	5	13%	Black	5	2	7	16%	Black	2	3	5	10%	Black	4	0	4	9%	Black	4	0	4	9%	
	21%	Hispanic	3	3	6	16%	Hispanic	4	3	7	16%	Hispanic	5	6	11	22%	Hispanic	2	5	7	15%	Hispanic	2	5	7	15%	
	3%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian	1	0	1	2%	Asian	1	1	2	4%	Asian	1	1	2	4%	
	4%	Other	1	0	1	3%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	
Total	100%		25	13	38	100%		29	14	43	100%		29	20	49	100%		29	17	46	100%		29	17	46	100%	



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Detail by Entity Name

Florida Not For Profit Corporation
DISCOVER PALM BEACH COUNTY, INC.

Filing Information

Document Number 768549
FEI/EIN Number 59-2321112
Date Filed 05/20/1983
State FL
Status ACTIVE

Principal Address

2195 SOUTHERN BLVD
SUITE 400
WEST PALM BEACH, FL 33406

Changed: 01/10/2018

Mailing Address

2195 SOUTHERN BLVD
SUITE 400
WEST PALM BEACH, FL 33406

Changed: 01/10/2018

Registered Agent Name & Address

PESQUERA, JORGE CEO
2195 Southern Blvd
SUITE 400
W. PALM BEACH, FL 33406

Name Changed: 07/09/2008

Address Changed: 03/13/2018

Officer/Director Detail

Name & Address

Title Treasurer

CARNS, JOHN
2195 SOUTHERN BLVD
SUITE 400
WEST PALM BEACH, FL 33406

Title PRESIDENT

PESQUERA, JORGE
2195 SOUTHERN BLVD
SUITE 400
WEST PALM BEACH, FL 33406

Title Chairman

Craig, Rita
2195 SOUTHERN BLVD
SUITE 400
WEST PALM BEACH, FL 33406

Title VC

Emmett, Jason
2195 Southern Blvd.
SUITE 400
W. PALM BEACH, FL 33406

Title SVP, Finance

Lomrantz, Evan
2195 SOUTHERN BLVD
SUITE 400
WEST PALM BEACH, FL 33406

Annual Reports

Report Year	Filed Date
2019	02/15/2019
2020	02/10/2020
2021	01/19/2021

Document Images

01/19/2021 -- ANNUAL REPORT	View image in PDF format
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