

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2019-30834, WHICH AUTHORIZED THE ADMINISTRATION TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIAMI BEACH TENNIS MANAGEMENT, LLC (MBTM), PURSUANT TO REQUEST FOR PROPOSALS NO. 2019-046-WG FOR TENNIS MANAGEMENT AND OPERATIONS SERVICES AT THE CITY'S FLAMINGO TENNIS CENTER (THE RFP); THIS AMENDMENT, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND: (1) TERMINATING NEGOTIATIONS WITH MBTM; (2) REJECTING ALL OTHER PROPOSALS PURSUANT TO THE RFP; (3) TERMINATING THE RFP PROCESS; (4) AUTHORIZING THE CITY MANAGER TO TERMINATE THE AGREEMENT; (5) AUTHORIZING THE CITY'S PARKS AND RECREATION DEPARTMENT TO TAKE OVER THE MANAGEMENT AND OPERATION OF THE CENTER AS A PILOT PROGRAM, BEGINNING IN FEBRUARY, 2020 AND ENDING ON SEPTEMBER 30, 2020; AND (6) AUTHORIZING THE CITY MANAGER TO NEGOTIATE AGREEMENTS WITH EXISTING MBTM STAFF OR OTHER PROFESSIONALS/SERVICE PROVIDERS, AS NECESSARY, TO MAINTAIN OPERATIONS FOR FRONT DESK DUTIES, COURT MAINTENANCE, AND PROGRAMMING AT THE CENTER, SUBJECT TO THE APPROVAL OF A BUDGET AMENDMENT TO COVER SUCH PROJECTED OPERATING AND STAFFING EXPENSES, IN THE APPROXIMATE TOTAL AMOUNT OF \$715,000.

WHEREAS, on July 14, 2014, the City and Miami Beach Tennis Management entered into an agreement to provide professional tennis management and operations services at the City's Flamingo and North Shore Tennis Centers for an initial term of three (3) years, with two (2) additional one-year terms; and

WHEREAS, on July 26, 2017, the Mayor and City Commission adopted Resolution No. 2017-29935, approving Amendment No. 1 to the Agreement, providing for the removal of the North Shore Tennis Center from the scope of the Agreement, and reducing the Minimum Guarantee payments due to the City (the Agreement and Amendment No. 1 shall be collectively referred to herein as the Agreement); and

WHEREAS, at the May 16, 2018 City Commission meeting, the City Commission approved Amendment No. 2 to the Agreement, acknowledging the renewal of the last on-year renewal option from June 1, 2018 – May 31, 2019 and updating various contractual provisions to standardize both tennis centers; and

WHEREAS, on February 13, 2019, the Mayor and City Commission approved the issuance of Request for Proposals No 2019-046-WG for Professional Tennis Management and Operational Services at the City's Flamingo Park Center (the RFP); and

WHEREAS, on May 8, 2019, the Mayor and City Commission approved Resolution No. 2019-30834, accepting the recommendation of the City Manager, pursuant to the RFP, and authorizing the Administration to enter into negotiations with Miami Beach Tennis Management, LLC (MBTM), as the top ranked proposer; and, if unsuccessful in negotiating an agreement with MBTM, authorizing the Administration to negotiate an agreement with All Florida Tennis, LLC, as the second ranked proposer; and, if unsuccessful in negotiating an agreement with All Florida Tennis, LLC, authorizing the Administration to enter into negotiations with Van Daalen Tennis, LLC, as the third ranked proposer; and

WHEREAS, Resolution No. 2019-30834 also authorized the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration; and further authorized the City Manager to execute a month to month extension of the Agreement (with MBTM) until such time as a new agreement was executed; and

WHEREAS, since May, 2019, when the Administration has been negotiating a new agreement with MBTM, the City has received several complaints and concerns from employees of MBTM, as well as from the public; and

WHEREAS, the Parks and Recreation Department was able to substantiate some concerns, such as late payroll payments to employees and bounced checks; violations of court booking procedures during peak times; overpayments to customers; and increases in lesson fees without receiving City approval; and

WHEREAS, the Parks and Recreation Department has issued several notices to MBTM for various contract deficiencies (including, without limitation, the aforesaid NSF payments and financial reporting deficiencies); and

WHEREAS, the Parks and Recreation Department has been working with the Office of the Inspector General to conduct an audit of MBTM, with the findings anticipated to be reported by the end of January 2020; and

WHEREAS, as a result of these operational issues, the City Manager recommends terminating negotiations (as originally authorized under Resolution No. 2019-30834) for a new agreement with MBTM; and

WHEREAS, in light of the time that has expired since the adoption of Resolution No. 2019-30834 (on May 8, 2019), the City Manager also recommends terminating the original RFP process and rejecting all other proposals; and

WHEREAS, in order to prevent the interruption of the current programming and instruction at the Center, the City Manager recommends that the Parks and Recreation Department to terminate the Agreement and take over operations and management of the Center, as a pilot program; and

WHEREAS, the management of the Center by the Parks and Recreation Department would begin as a pilot program, beginning in February, 2020 and concluding on September 30, 2020, during which time the City could proceed with the issuance of a new Request for Proposals for the operation and management of the Center, or continue operating the Center; and

WHEREAS, the Parks and Recreation Department would assume responsibility for overseeing programming, maintenance, money collection, and front desk operations of the Center, but the Administration would likely also need to hire contractors to operate the front desk and provide court maintenance and tennis programming at the Center; and

WHEREAS, with respect to these needed contractor positions, the City Manager recommends that he be authorized the City Manager to negotiate and execute the necessary agreements during this pilot program, subject to a future budget amendment, in the amount of \$715,000.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby amend Resolution No. 2019-30834, which authorized the Administration to negotiate and execute an agreement with Miami Beach Tennis Management, LLC (MBTM), pursuant to Request for Proposals No. 2019-046-WG for tennis management and operations services at the City's Flamingo Tennis Center (the RFP); this amendment accepting the City Manager's recommendation and: (1) terminating negotiations with MBTM; (2) rejecting all other proposals pursuant to the RFP; (3) terminating the RFP process; (4) authorizing the City Manager to terminate the Agreement; (5) authorizing the City's Parks and Recreation Department to take over the management and operation of the Center as a pilot program, beginning in February, 2020 and ending on September 30, 2020; and (6) authorizing the City Manager to negotiate agreements with existing MBTM staff or other professionals/service providers, as necessary, to maintain operations for front desk duties, court maintenance, and programming at the Center, subject to the approval of a budget amendment to cover such projected operating and staffing expenses, in the approximate total amount of \$715,000.

PASSED and ADOPTED this 15th day of January 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado 1/17/20
City Attorney ANT Date