

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 PARK TENNIS CENTER (THE RFP); THIS AMENDMENT, TERMINATING NEGOTIATIONS WITH MBTM; REJECTING ALL OTHER PROPOSALS PURSUANT TO THE RFP; AND TERMINATING THE RFP PROCESS; 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 FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AGREEMENTS, WITH EXISTING MBTM STAFF OR WITH 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 (the "Agreement"); 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; and

**WHEREAS**, at the May 16, 2018 Commission meeting, City Commission approved Amendment No. 2 to the Agreement, acknowledging the renewal of the last one-year renewal option, from June 1, 2018 – May 31, 2019, and updating various contractual provisions to standardize both tennis centers (the Agreement, Amendment No. 1, and Amendment No. 2 shall be collectively referred to herein as the "Agreement"); 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 Tennis 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 current agreement with MBTM until such time as a new agreement was executed; and

**WHEREAS**, on January 9, 2020, MBTM provided the Parks and Recreation Department with a letter confirming BMTM's intent to terminate the Agreement in thirty (30) days, pursuant to the month to month term of the Agreement, effective January 8, 2020; and

**WHEREAS**, based upon MBTM's notification, the City Manager recommends terminating negotiations 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 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 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 in February 2020 and conclude 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; and

**WHEREAS**, the Administration would also need to hire independent contractors to operate the front desk and provide court maintenance and tennis programming at the Center; and

**WHEREAS**, with respect to these needed independent contractor positions, the Administration recommends authorizing the City Manager to negotiate and execute necessary agreements during this pilot program; this would require a 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 Park Tennis Center (the RFP); this amendment, terminating negotiations with MBTM; rejecting all other proposals pursuant to the RFP; and terminating the RFP process; authorize 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 further authorize the City Manager to negotiate agreements, with existing MBTM staff or with 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 15<sup>th</sup> day of January, 2020.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*Rafael Granado*  
\_\_\_\_\_  
City Attorney

*1/10/20*  
\_\_\_\_\_  
Date

*DM*