

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 3 TO THE CONCESSION AGREEMENT WITH BETTOLI TRADING CORP (CONCESSIONAIRE) FOR THE OPERATION OF SNACK MACHINES AT VARIOUS LOCATIONS ON CITY PROPERTIES; WITH SAID AMENDMENT REDUCING THE ANNUAL MINIMUM GUARANTEE PAYMENT FOR THE FINAL ONE-YEAR RENEWAL TERM, FROM \$12,380.60 TO \$3,350.00, IN ORDER TO ADDRESS THE FINANCIAL IMPACT THAT THE COVID-19 PANDEMIC HAS HAD ON THE CONCESSIONAIRE'S OPERATIONS.

WHEREAS, on May 3, 2012, the City entered into a Concession Agreement (the "Agreement") with Bettoli Trading Corp. (Bettoli), (Concessionaire) for operation of snack machine concessions at various locations on City of Miami Beach properties; and

WHEREAS, the Agreement provided for an initial term of five (5) years commencing on May 1, 2012 and ending on April 30, 2017, with five (5) additional one (1) year renewal terms, at the City's option; and

WHEREAS, on May 17, 2017 the first renewal option was exercised, commencing on May 1, 2017 and ending April 30, 2018; and

WHEREAS, on March 13, 2018, the Finance and Citywide Projects Committee (FCWPC) recommended in favor of renegotiating all revenue-generating contracts at the time of renewal to include a contribution for the City's educational initiative to fund Miami Beach public schools, which included this Agreement; and

WHEREAS, Concessionaire agreed to make a public benefits contribution in conjunction with the second renewal term, commencing on May 1, 2018 ending in April 30, 2019; and

WHEREAS, on April 10, 2019, the City and Concessionaire exercised the third renewal term, commencing on May 1, 2019, and ending April 30, 2020; and

WHEREAS, on April 10, 2020, the City and Concessionaire exercised the fourth renewal term, commencing on May 1, 2020 and ending April 30, 2021; and

WHEREAS, the City and Concessionaire are desirous of exercising the fifth and final renewal option, retroactively commencing on May 1, 2021, and ending April 30, 2022 in order to continue the snack machine services, until the City has an opportunity to go through a procurement process to secure a new agreement for similar services; and

WHEREAS, in the past year of the Agreement, the Concessionaire has suffered a loss in revenue due to the removal of various machines Citywide; and

WHEREAS, for the contract year ending April 30, 2020, Concessionaire's gross sales were significantly impacted due to the COVID 19 pandemic and other losses of snack machines throughout the City; and

WHEREAS, due to the decrease in sales, Concessionaire has requested that the City reduce the Minimum Guarantee, from \$12,380.60 to \$3,350.00, for the fifth and final renewal term, and has agree to continue honoring the education contribution per Amendment No.2, in the amount of four percent (4%) of the Minimum Guarantee (\$134.00); and

