

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Coquina Beach Concession	TYPE AGENDA ITEM	Consent
DATE REQUESTED	June 22, 2010	DATE SUBMITTED/REVISED	
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	Current agreement expires July 20, 2010
DEPARTMENT/DIVISION	Parks and Recreation Department; Financial Management, Purchasing Division	AUTHORIZED BY TITLE	Jim Seuffert, Financial Management Director
CONTACT PERSON TELEPHONE/EXTENSION	Cindy Turner (6001), Melissa Assha (3014)	PRESENTER/TITLE TELEPHONE/EXTENSION	Cindy Turner, Director of Parks and Recreation (6001)
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
Motion to adopt Concession License Agreement with United Park Services, Inc. and authorize County Administrator or designee to execute same

ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Code § 2-24-11 (authority to grant concessions in parks)

BACKGROUND/DISCUSSION
<p>On June 23, 2009, the Board of County Commissioners directed staff to competitively solicit proposals for the operation of the Concessions at County Facilities. The Commission directed staff to break up the contract in to two separate solicitations; one for the Manatee Public Beach location and one for Coquina Beach. It was also recommended that neighboring jurisdictions should be notified of the RFP and its requirements. On December 7, 2009, the following municipalities were provided a copy of the RFP and asked for their comments, input or suggestions: Town of Longboat Key, City of Holmes Beach, City of Bradenton Beach, and City of Anna Maria.</p> <p>The Coquina Beach concession facility is a 3,280 square foot facility owned by Manatee County. Pursuant to the County's Parks Code, the County Commission may grant concession agreements to private companies to operate concessions in public parks such as Coquina Beach.</p> <p>A Request for Proposal (RFP) was created with the intent of soliciting proposals from proposers who are qualified to engage in a license agreement for the operation of Concessions at Coquina Beach. An RFP is used when the overall requirements or goals are known; in this case, the operation of a concession at our public beach, but it is deemed best to invite and allow for innovation and creativity from qualified and experienced proposers as to the details and particulars in reaching goals are carried out.</p> <p>Proposers responding to the RFP were required to have the following minimum qualifications:</p> <ul style="list-style-type: none"> • Three (3) years of proven experience in operating a "public food service establishment", as defined in Florida Statute §509.013 • Disclosure of any acquisitions or mergers proposed to meet minimum experience requirement • No history of loss of license • No history of closures or suspensions due to health reasons • No history of failure to pay all taxes due <p>The RFP contains several important elements to which the proposer is required to respond in an organized manner. Some of these criteria include:</p> <ul style="list-style-type: none"> • Details on services to be rendered • Background and qualifications • Experience and abilities • Proposer personnel and staffing policies/procedures • Customer service commitment/Quality Assurance • Community involvement • Environmental conscientiousness • Marketing plans • Capital improvements, including all interior renovations • Menu and retail offerings, including representative sampling and pricing • Compensation proposed • Disclosure of any sub-leasing activity to a third party • Office location of the business entity

- Explanation of direct economic benefit to be realized by the County
- Professional References
- Auditor Authorization
- Hours of Operation
- Equipment to be provided by the proposer
- Temporary operations solutions
- Budgetary projections broken down by total sales, total expense and net income
- Sales Projections by category (food/beverage, vending, retail, rental, alcoholic beverage (if permitted))

Proposers were asked to offer compensation in the form of a monthly base plus tiered profit sharing as stated below.

- State the amount due monthly as the base payment to Manatee County.
- State the percentage of total gross sales of alcoholic beverages (if permitted) to Manatee County in addition to the monthly payment
- State the percentage of total gross sales up to \$1,000,000 per annum that is to be paid to Manatee County in addition to the monthly payment.
- State the percentage of total sales over \$1,000,000 per year that is to be paid to Manatee County in addition to the monthly payment.

Proposers were informed that the concession would be for the operation of a food concession at Coquina Beach, located at 3650 Gulf Drive South, Bradenton Beach, Florida. Proposers were made aware that operations would be subject to and governed by "a combination of legislative enactments and departments, to include: Laws of Florida, Florida Department of Business and Professional Regulation Division of Hotels and Restaurants, Florida Department of Environmental Protection, Manatee County Code Chapter 2-24, plus any applicable laws of the City of Bradenton Beach."

Proposers were made aware of County plans for a complete and total renovation of the existing concession facility on the same footprint and subject to the same overall height and other size limitations as apply to the current structure. The County is proceeding only with the exterior structural systems and handing over a building that is required to have its interior built out. The successful proposer will be required to perform the build out, subject to County approval, within an agreed upon period. In the interim, the successful proposer is required to provide concession services from a temporary facility.

Proposers were informed that if successful they would be required to:

- Operate the concession to the benefit of the public beginning July 20, 2010
- Provide a beach oriented feel and maintain the character consistent in the community
- Perform all work with a minimum use of sub-contractors
- Operate the concession a minimum of seven (7) days per week, 365 days per year with the exception of weather events or other emergency conditions as defined by the County
- Prepare all food on site and provide detailed planning to maintain timely delivery and service
- Obtain prior written approval from County's Contract Manager to provide amplified or non-amplified music in accordance with all applicable City or County ordinances
- Conduct a daily cleanup of concession, including all adjacent dining areas; properly dispose of trash, cardboard and recyclables
- Select and train personnel, who shall at all times, conduct themselves in a professional and courteous manner
- Maintain the concession in good repair and in accordance with all applicable local, state and federal requirements
- Confirm the willingness and ability to obtain and maintain any insurance required by the ultimate agreement
- Conduct operations so that impacts to the environment are mitigated as much as possible while also complying with all regulations and ordinances in relation to sea turtles and nesting shore birds

Per applicable purchasing procedures, the RFP was advertised in the local newspapers, notices sent via the Chamber of Commerce, and the document was posted on our Manatee County website for download at no cost and on the national website DemandStar.com. The RFP was issued on December 17, 2009. Purchasing staff directly provided copies of the proposal to eighteen (18) Manatee County companies:

PS Beach Associates, Inc., Bradenton, FL
 Café on the Beach, LLC, Homes Beach, FL
 Chiles Restaurant Group, Anna Maria, FL
 Banana Cabana, Anna Maria, FL
 Blue Parrot Catering, Bradenton, FL
 DA Giorgio Ristorante, Holmes Beach, FL
 Lakewood Ranch Golf & Country Club, Bradenton, FL
 Ma's Catering, Bradenton, FL
 Midtown Café, Palmetto, FL
 Noreen's Deli, Bradenton, FL
 Orange Blossom Catering, Bradenton, FL
 Premiere Catering, Bradenton, FL
 River Club Restaurant, Bradenton, FL
 Riverhouse @ Regatta Pointe, Palmetto, FL
 Smitty's Catering, Bradenton, FL
 The Riverhouse Reef & Grill, Palmetto, FL
 Volume Services, Bradenton, FL
 Wild Monkey Gourmet, Inc., Bradenton, FL

In addition to these firms, eleven firms defined as local under the County Purchasing Code were also directly provided copies:

Alexandra of Clearwater Beach, Clearwater, FL
 Bo Jos Concessions, Gibsonton, FL
 Cabana Man, Indian Rocks Beach, FL
 Catering by Lundy's, St Petersburg, FL

Sunset/Sunrise Concessions, Nokomis, FL
 Dogs & Suds, Largo, FL
 I Scream Ice Cream, St. Petersburg, FL
 Personal Touch, St. Petersburg, FL
 Sharon's Fast Food Restaurant, St Petersburg, FL
 SKC Foods, Sarasota, FL
 United Park Services, Tampa, FL

Proposals were received from the following three (3) firms:

Blue Wave – a division of Sunset/Sunrise Concessions, Nokomis, Florida
 Dogology, Inc. (Loggerheads LLC), Bradenton, Florida
 United Park Services, Inc., Tampa, Florida

Proposals were opened on January 29, 2010. Again, per standard County procedure for the RFP process, an evaluation panel was formed to examine the proposals and provide recommended rankings and negotiation recommendations to the Administrator. The committee, acting in the "sunshine", allowed for the press or other interested persons to attend, including competing proposers. The Selection Committee was comprised of:

Cindy Turner. Director of Parks and Recreation: Over twenty five (25) years experience in the Parks and Recreation profession. Twenty three (23) years with Manatee County Parks and Recreation with the last nine serving as the Department Director responsible for 43 parks, 26 miles of beaches, 2 golf courses, and all recreation programs. Developed and implemented "Preserve our Beautiful Beaches Task Force Committee comprised of Island elected officials, law enforcement, the Scenic Highway Committee and County staff. Worked for the beautification and crime reduction at Coquina Beach and received two distinguished awards for these efforts. Under Cindy's leadership, Parks and Recreation has managed the beach concession contract for over twenty years. Served on the prior RFP Selection Committee in 1998. Bachelors Degree with honors.

Elliott Falcione. Executive Manager, Manatee County Convention and Visitors Bureau, Mr. Falcione has extensive experience in facilities operations, food service/vending, and tourism-related fields and has worked with the County's CVB and at the County's Civic Center for several years.

Melissa Assha. Contract and Buyer Manager, Purchasing Division, Financial Management Department. Melissa has over twenty (20) years of negotiating and contracting experience and over twenty-two (22) years of procurement experience with more than ten (10) of those focused in the area of public/government procurement.

The committee's meeting schedule and activities were as follows:

March 2, 2010: Overview of all proposals received. Committee consensus is to have all three (3) proposers present their offer to gain clarification of the offers. The committee decided to jointly prepare a list of questions for the proposers in order to gain additional details on items contained within the proposal. All proposers were asked the same questions and were required to respond in writing by March 18, 2010.

March 23, 2010: Presentations and follow up discussions were conducted with each of the proposers. Thirty (30) minutes was allotted for the presentation and an additional thirty minutes was set aside for questions and discussion.

April 7, 2010: The Selection Committee determined the ranking as summarized in the findings of the selection committee as stated in the email to the County Administrator and on the Source Selection posting. Those findings were that in consideration of the presentations by all proposers and investigation of the proposals, the Committee unanimously concluded that it is in the best interest of the County to enter into negotiations with the top ranked firm, United Park Services, Inc. (UPS) of Tampa, Florida. The committee's final summary notes on the top proposers were:

United Park Services, Inc.: The top ranked firm, proposed the highest compensation plan to the County including profit sharing in tiers. Their capital investment offer includes interior build out with inclusion of retail space, exterior signage, addition of upscale permanent outdoor furnishings, a kayak outpost facility, a patio shade covering and the provision of a roaming beach cart for the convenience of beach patrons. United has excellent beachfront concession experience including Pinellas Counties' Fort DeSoto Park and has significant construction related experience. United provided exceptional responses in all areas: food and beverage quality, operational vision, beach oriented essence, customer service programs, community involvement and participation, environmental consideration, temporary operations and marketing/advertising strategies. United affirmed their strong commitment to the success of the concessions through a pledge to relocate the residence of their key operator's to Manatee County. Lastly, United demonstrated a method of tested and sound measures to be initiated to assure proper accounting and provide a system of checks of balances.

Dogology, Inc. (Loggerhead's, LLC): Second ranked. This firm shows enthusiasm and vision; however, the Selection Committee perceived that this firm lacked the experience that the Committee felt was important and necessary to achieve these proposed goals and provision of services concurrently with sustaining their business. The proposal and presentation showed strength in creativity of its offer and brought good ideas that may enhance the presence and potentially draw beach patrons. Loggerhead's did present a well thought out marketing plan and offered an intriguing business plan, but were lacking on some supportive details of the business plan. The deficiency was evidenced in that some elements of their proposal were unclear in terms of how they planned to carry out activities that directly influenced proposed revenues.

Blue Wave, (a division of Sunset/Sunrise): This third ranked firm represented themselves as a very capable concessionaire that is dependable, reliable and able to handle a busy beach concession. The proposal was not as detailed on the Capital Investment side in comparison to other proposals.

As per standard County procurement policy and procedure, the Committee's recommendations were submitted to the County Administrator. On April 9, 2010, the Administrator concurred with the committee's evaluation and recommendation, and instructed the Purchasing Division to engage in negotiations with the top ranked firm, United Park Services, Inc.. Contract negotiations were conducted by the Purchasing Division, with operational input from Facilities Management and Parks Departments, under the overall authority of the Administrator, throughout May and into June.

The final agreement negotiated with UPS includes the following terms and conditions of note:

- Guaranteed base annual payment to County: \$30,000 (current payment is unknown)
- In addition to the base rate, UPS has agreed to pay 10% of gross sales over \$250,000.00 and 11% of gross sales over \$650,000.00 each year.
- Initial capital improvement investment exceeds \$100,000 and does not account for reserves for years three through five. All such improvements are subject to County's review and approval for proper construction, and proper look, feel and community fit

- The County will receive 8% of all total gross sales from the start date of this Agreement until a Certificate of Occupancy is achieved for the newly renovated concession building
- UPS agrees to provide local preference in purchasing goods and hiring employees
- UPS agrees to abide by all state and local laws, including all municipal and County ordinances
- Payments will be made electronically, reducing staff time investment to process payments
- UPS will be subject to more strict cash handling, record keeping and audit provisions than what is required by the current contract
- At its own expense, UPS must submit annual audits performed by a licensed CPA
- The County's auditors are granted broad authority to audit concession books at any time, and relevant records must be maintained in Manatee County
- UPS shall be subject to an annual performance review by the Administration
- UPS will provide dedicated recycle receptacles
- Beach Environmental and Ecological Educational programs for County and School District youth are being developed
- UPS will use only environmentally friendly products, using biodegradable materials where available and will not sell beverages with straws or plastic lids, to reduce litter and harmful environmental impacts
- Musical entertainment shall be family friendly, and will be subject to all applicable Bradenton Beach codes
- UPS is strictly prohibited from selling, assigning, or otherwise transferring the agreement or its rights thereunder without express County approval after full disclosure of any relevant facts the County requires
- The agreement is for an initial 5-year term, with the option of renewals

CONCLUSION

UPS clearly has the strongest capacity, resources, and experience to successfully perform under the proposed concession agreement. The Administration has negotiated an Agreement with UPS that services the best interests of the County. The agreement has been fully reviewed by the County Attorney's Office and the Administration recommends adoption of the motion.

COUNTY ATTORNEY REVIEW

Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input checked="" type="checkbox"/> Attached/Included <input type="checkbox"/> Available from Attorney (Attorney's initials:)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER:

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
CAO memo re RLS xx-xxx, concession agreement,		Original to Board Records and United Park Services, Inc., 1320 8 th Avenue, Ste 5, Tampa, Florida 33605. Executed PDF of Agreement to Cindy Turner/Parks and Recreation, Charlie Bishop/Property Management, Dan Wolfson/Clerks Finance and Melissa Assha/Purchasing Division	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:	n/a	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	n/a