

MEMORANDUM

Agenda Item No. 11(A)(12)

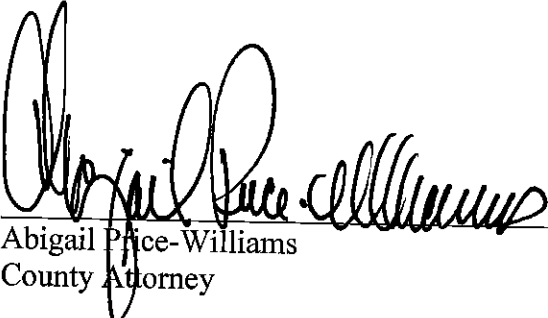
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to negotiate amendment three to the lease and concession agreement between Miami-Dade County and Concessions Miami LLC, and to present such amendment to the Board of County Commissioners for approval within 30 days; authorizing the County Mayor to extend time periods if reasonably necessary to finalize negotiations upon written report to the Board of County Commissioners prior to expiration of 30 days

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Commissioner Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/cp

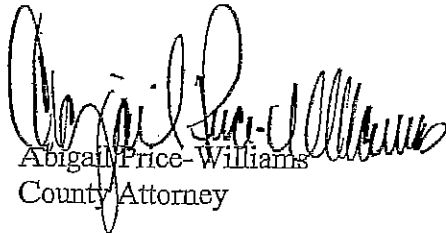


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 5, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(12)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
4-5-16

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AMENDMENT THREE TO THE LEASE AND CONCESSION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CONCESSIONS MIAMI LLC, AND TO PRESENT SUCH AMENDMENT TO THE BOARD OF COUNTY COMMISSIONERS FOR APPROVAL WITHIN 30 DAYS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXTEND TIME PERIODS IF REASONABLY NECESSARY TO FINALIZE NEGOTIATIONS UPON WRITTEN REPORT TO THE BOARD OF COUNTY COMMISSIONERS PRIOR TO EXPIRATION OF 30 DAYS

WHEREAS, Concessions Miami LLC won Package One of RFP MDAD 01-05, which was a competitive procurement to operate various retail, food and beverage locations at Miami International Airport in both North and South Terminals, and was awarded a Lease and Concession Agreement by this Board via Resolution No. R-196-06; and

WHEREAS, Areas USA Inc. won Package Two of RFP MDAD 01-05, which was a competitive procurement to operate various retail, food and beverage locations at Miami International Airport in both North and South Terminals, and was awarded a Lease and Concession Agreement by this Board via Resolution No. R-195-06; and

WHEREAS, delays in the construction of North Terminal did not allow either Concessions Miami LLC or Areas USA Inc. to open their North Terminal concessions within the timeframes anticipated at the time proposals were solicited; and

WHEREAS, to ensure that the concessionaires were allowed a full contract term to amortize their investment, the Miami-Dade Aviation Department represented to both Concessions Miami LLC and Areas USA Inc. that the term of their leases would start on the date they achieved beneficial occupancy of their last North Terminal locations; and

WHEREAS, MDAD negotiated a lease extension with Areas USA Inc. which revised the Lease Effective Date to February 11, 2011, as that is the date Areas USA Inc. achieved beneficial occupancy of its last North Terminal location, and that extension was approved by this Board via Resolution No. R-287-11; and

WHEREAS, while Areas USA Inc. was provided this extension in 2011, MDAD has not brought forward to this Board a similar extension for Concessions Miami LLC; and

WHEREAS, both Concessions Miami LLC and Areas USA Inc. were awarded their Lease and Concession Agreements at the same time, pursuant to the same procurement, and have suffered substantially similar impacts due to the County's delays in providing space in North Terminal; and

WHEREAS, it is inequitable not to provide Concessions Miami LLC with the same extension provided to Areas USA Inc.,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board hereby directs the County Mayor or County Mayor's designee to negotiate Amendment Three to the Lease and Concession Agreement with Concessions Miami LLC, and to present it to this Board for approval within 30 days of the effective date of this resolution. That Amendment shall set the Lease Effective Date as September 14, 2014, the date Concessions Miami LLC achieved beneficial occupancy of its last North Terminal location.

Section 3. If reasonably necessary to finalize negotiation of the Amendment, the County Mayor or County Mayor's designee is hereby authorized to extend the period set forth in Section 2 above upon written notice to this Board prior to the expiration of the 30 days.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss and the Co-Sponsor is Commissioner Audrey M. Edmonson. It was offered by

Commissioner _____, who moved its adoption. The motion was seconded by

Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of April, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



David M. Murray

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