

Date: February 2, 2010

To: Honorable Chairman Dennis C. Moss  
and Members Board of County Commissioners

From: Carlos Alvarez  
Mayor

George M. Burgess  
County Manager

Subject: Award Recommendation – RFP for Retail Concessions Program 2009  
RFP No. MDAD-04-09 – Package 3 – NewsLink of South Florida LLC.

Agenda Item No. 14(A)(4)

Resolution No. R-166-10

**RECOMMENDATION**

It is recommended that the Board (i) waive competitive bid procedures pursuant to Miami Dade County Code Section 2-8.1 and Section 5.03D of the Home Rule Charter by a two thirds vote of the Board members present as being in the best interest of the County; (i) waive bid protest procedures contained in Miami Dade County Code Section 2-8.4; (iii) waive the provisions of R-130-06 R-1587-72 and, (iv) approve the award of a Lease and Concession Agreement (“Agreement”) to NewsLink of South Florida, LLC for Retail Concessions Program 2009 Package 3, consisting of nine locations (two news and books and seven specialty retail locations), and authorize the Mayor or the Mayor’s designee to execute the Agreement. This waiver will allow Miami International Airport to maximize the number of concessions open to the public upon completion of the North Terminal Development program, and avoid disruptions to the traveling public that would result from reprourement of this package and the attendant delays in the opening of these retail facilities.

**SCOPE**

Miami International Airport (MIA) is located primarily within Commission District Six, Rebeca Sosa; however, the impact of this item is countywide as MIA is a regional asset.

**DELEGATED AUTHORITY**

In accordance with Miami-Dade County Code Section 2-8.3 related to identifying delegation of Board authority contained within the subject agreement, the Aviation Director or designee has the authority to exercise the renewal options and to terminate the agreement.

**FISCAL IMPACT/FUNDING SOURCE**

This project is revenue generating. The County shall be paid the greater of a monthly percentage fee of the total monthly gross revenues or the minimum monthly guarantee. The Minimum Annual Guarantee (“MAG”) submitted by NewsLink of South Florida, LLC is \$1,650,000.

**TRACK RECORD/MONITOR**

NewsLink of South Florida, LLC (in joint venture with Adler Realty Services, LLC) has a current contract with Miami-Dade County; NewsLink of South Florida, LLC is also currently operating at MIA under a sub-tenant lease with Westfield Group and in both contracts their performance has been satisfactory. The Project Manager is Adrian Songer, MDAD Commercial Operations.

**COMPLIANCE DATA**

There is no history of violations for this firm in the Small Business Development Department's database.

**BACKGROUND**

The RFP for Retail Concessions Program 2009 was advertised on August 17, 2009, for qualified firms to propose for the opportunity to provide financing, designing and constructing, managing, operating and maintaining high quality, reasonably priced specialty retail, newsstand and food and beverage spaces that are available in the North and South Terminals of Miami International Airport. The RFP contained six packages and establishes opportunities for Master Concessionaires or Fee Managers for Packages 1, 2, and 3. Packages 4, 5, and 6 were open to all Concessionaires.

Package 1 has four food and beverage locations, Package 2 has a total of nine locations (three news and books and six specialty retail locations); Package 3 has a total of nine locations (two news and books and seven specialty retail locations); Package 4 has two specialty retail locations and Packages 5 (specialty retail) and 6 (food and beverage) each have one location.

The RFP, among other things, provided that a Proposer proposing on multiple packages could only be awarded one (1) package. The Selection Committee met and reviewed proposals submitted in response to the RFP, and heard presentations from the responsive firms on Packages 1, 2, 3, 5 and 6. No submittals were received for Package 4. NewsLink of South Florida, LLC was the sole proposer on Package 3; Packages 1 and 2, by contrast, received multiple proposers.

PROJECT: Retail Concessions Program 2009

PROJECT NO. RFP No. MDAD-04-09

PROJECT LOCATION: Miami International Airport

COMPANY NAME: NewsLink of South Florida, LLC (the company consists of NewsLink Group, LLC, and Adler Realty Services, LLC)

TERM OF AGREEMENT: Eight years

OPTION(S) TO RENEW: At the sole discretion of the County, the initial eight-year term may be extended for a maximum of one two-year term provided the extension is mutually agreed to by the County and the Master Concessionaire in writing.

COMPANY PRINCIPALS: Raymond J. Kayal, Jr.  
Christopher G. Korge  
Michael M. Adler  
Brett Harris



GENDER, ETHNICITY &

OWNERSHIP BREAKDOWN: Non- Hispanic White

COMPANY LOCATION: 6910 NW 12<sup>th</sup> Street, Miami, FL 33126

HOW LONG IN BUSINESS: Five years

PREVIOUS AGREEMENTS  
WITH THE COUNTY WITHIN  
THE PAST FIVE (5) YEARS:

NewsLink of South Florida, LLC, currently has sublease agreements for concessions at MIA. In addition, affiliates of NewsLink of South Florida, LLC, currently have direct lease and sublease agreements with Miami-Dade County.

CONTRACT MEASURE: The goal established is a 32% Airport Concession Disadvantaged Business Enterprise (ACDBE) Program Goal.

CONTRACT MEASURE  
ACHIEVED: 34%

ACDBEs: Siboney Wine & Spirits, Inc.  
Havana Florida Cigar Co  
Myra P. and Company, Inc.  
Bright Additions, Inc.

ADVERTISEMENT DATE: August 17, 2009

LIVING WAGE: Not Applicable

USING DEPARTMENT: Miami-Dade Aviation Department

  
Assistant County Manager



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 2, 2010

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(4)

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
- Ordinance creating a new board requires detailed County Manager'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. 14(A)(4)  
2-2-10

**RESOLUTION NO. R-166-10**

**RESOLUTION WAIVING FORMAL BID PROCEDURES AND PROVISIONS OF SECTION 2-8.1 MIAMI-DADE COUNTY CODE AND SECTION 5.03 (D) OF THE MIAMI-DADE COUNTY HOME RULE CHARTER AND APPROVING AWARD OF A LEASE AND CONCESSION AGREEMENT FOR THE RETAIL CONCESSIONS PROGRAM 2009 PACKAGE 3, PROJECT NO. MDAD 04-09, BETWEEN NEWSLINK OF SOUTH FLORIDA, LLC AND MIAMI-DADE COUNTY, WITH A MINIMUM ANNUAL GUARANTEE OF \$1,650,000, AND FOR A TERM OF EIGHT (8) YEARS, WITH A TWO (2) YEAR OPTION TO RENEW; WAIVING THE PROVISIONS OF R-130-06 AND R-1587-72 AS IN THE BEST INTERESTS OF MIAMI-DADE COUNTY; WAIVING THE PROVISIONS OF 2-8.4 OF THE CODE ; AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF**

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby approves the award of a Lease and Concession Agreement for the Retail Concession Program 2009 Package 3, Project No. MDAD 04-09, between NewsLink of South Florida LLC and Miami-Dade County, with a minimum annual guarantee of \$1,650,000, and for a term of eight (8) years with a two (2) year option to renew; and finds to be in the best interest of the County to waive formal bid procedures pursuant to Section 2-8.1 and 2-8.4 of the Miami-Dade County Code and Section 5.03 (D) of the Home Rule Charter, by a two-thirds (2/3) vote of the Board members present; waives the provisions of Resolution No. R-130-06 and R-1587-72 as in the best interests of Miami-Dade County.

The foregoing resolution was offered by Commissioner **Carlos A. Gimenez** ,  
who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman**  
and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	<b>absent</b>	
	Jose "Pepe" Diaz, Vice-Chairman	<b>absent</b>	
Bruno A. Barreiro	<b>absent</b>	Audrey M. Edmonson	<b>absent</b>
Carlos A. Gimenez	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Barbara J. Jordan	<b>aye</b>	Joe A. Martinez	<b>aye</b>
Dorrin D. Rolle	<b>aye</b>	Natacha Seijas	<b>aye</b>
Katy Sorenson	<b>aye</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day  
of February, 2010. This resolution shall become effective ten (10) days after the date of its  
adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an  
override by this Board.



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

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. 

David M. Murray

By: **DIANE COLLINS**  
Deputy Clerk

6