

AMENDMENT No. 4
FRANCHISE LICENSE AGREEMENT
BETWEEN
MANATEE COUNTY
AND
TDKS ENTERPRISES, LLC.
FOR
CONCESSION SERVICES AT JIGGS LANDING

THIS AMENDMENT NUMBER FOUR TO AGREEMENT, is made and entered into by and between the **COUNTY OF MANATEE**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as the "County," with mailing address at 1112 Manatee Avenue West, Bradenton, Florida 34205, and **TDKS ENTERPRISES, LLC.**, hereinafter referred to as the "Licensee," duly authorized to conduct business in the State of Florida, with offices located at 6106 63rd Street East, Bradenton, FL 34203.

WHEREAS, on December 15, 2015 the parties hereto entered into a twelve (12) month Agreement to permit the operation of County owned Concession located at Jiggs Landing Fish Camp, hereinafter referred to as the "Concession" at location shown on Attachment 1 Site Plan of the Agreement; and

WHEREAS, the Agreement may be amended upon mutual consent of the parties as evidenced by execution of an amendment; and

WHEREAS, Amendment No.1 effective August 26, 2016 incorporated modifications; and

WHEREAS, Amendment No.2 effective November 7, 2016 pursuant to Section 3.3, the County elected to extend the term of the Agreement for the first of three (3) additional five year periods, with modifications; and

WHEREAS, as Exhibit C – Statement Of Work, Concession Requirements, letter "c" states the Licensee may provide in writing "Application for permission to sell beer and wine may be considered at a later date with the approval of the Board of County Commissioners."; and

WHEREAS, Amendment No.3 effective April 4, 2017 the parties agreed to amend the Statement of Work Concession Requirements letter "c" and Article 24 to authorize sale of Alcoholic Beverages; and

NOW THEREFORE, for and in consideration of the mutual benefits to be derived, the parties hereto agree as follows:

ADMENDMENT No. 4

1. Section 8.6.19, which was modified in Amendment No. 2 is hereby deleted and restated to read in its entirety: "Monthly water and sewage collection service shall be paid by the County for the first

twelve (12) months of the Agreement, Licensee and County shall split 50/50 the water and sewage collection charges for months thirteen (13) through twenty-four (24), and the Licensee shall pay the first \$200 of each monthly water and sewage collection charges from month twenty-five (25) through the termination of the Agreement.”

2. Section 14 Compensation sub-section 14.1, which was modified in Amendment No. 2 is hereby deleted and restated to read in its entirety: “Licensee shall make a monthly percentage payment to the County of fifteen percent (15%) of the total gross sales minus sales tax over \$85,000 per calendar year. Payment shall be paid by the fifteenth (15th) calendar day of the following month (the “Due Date”). Licensee shall be required to make a one-time payment of one dollar (\$1.00) for the first twelve months of this Agreement with no additional payments due within the first twelve (12) months of this Agreement. Within the first renewal period, payment will be waived from December 16, 2016 through December 31, 2016. Payment schedule will “re-set” every year on January 1st and be in effect to December 31st every year throughout renewal period. The County reserves the right to renegotiate the amount of compensation at the conclusion of the first five (5) year renewal period.
3. Amendment No. 4 items 1 and 2 shall be effective January 1, 2018.
4. Other terms and conditions as found in the original Agreement and Amendments 1, 2, and 3 shall remain in full force and effect during the term of Amendment No. 4.

[Signature Page to follow]

The parties hereto have caused this **ADMENDMENT No. 4** to Agreement for Franchise License between the parties to be fully executed, in duplicate, by their authorized representatives.

TDKS ENTERPRISES, LLC

By: 
Signature

Donald Collison, General Manager
Name and Title of Signer

Date: 02-22-2018

COUNTY OF MANATEE FLORIDA

BY: 
Theresa Webb, CPPO, CPPB, CPSM, C.P.M
Purchasing Official

Date: 3/6/18

Manatee County Government Administrative Center
First Floor, Commission Chambers
9:00 a.m. - March 6, 2018

March 6, 2018 - Regular Meeting
Agenda Item #21

Approved in Open Session 3/6/18,
Manatee County
Board of County Commissioners

Subject

Amendment No. 4 to Franchise License Agreement 15-1630CP for Concession Services at Jiggs Landing

Briefings

None

Contact and/or Presenter Information

Presenter: Charlie Hunsicker, Director, Parks and Natural Resources, Ext. 6001

Contact: Greg Davis, Contract Negotiator, Financial Management, Procurement Division, Ext. 3037

Action Requested

Authorize the County Administrator or designee to execute Amendment No. 4 for Agreement 15-1630CP, Franchise License Agreement for Concession Services at Jiggs Landing with TDKS Enterprises, LLC.

Enabling/Regulating Authority

Manatee County Code 2-24-11

Background Discussion

Amendment No. 4 to Franchise License Agreement with TDKS Enterprises, LLC, for Concession Services at Jiggs Landing modifies payment terms for monthly utilities bill cost sharing where Licensee pays the first \$200, and amends Section 14 Compensation amount to the County from over \$75,000 per calendar year to over \$85,000 per calendar year. Licensee is required to pay 15% of the total gross sales minus sales tax to the County as revenue.

Procurement History:

On March 10, 2015, the Board of County Commissioners (BCC) granted approval for staff to move forward with a competitive selection process for a small dollar concession agreement valued at less than \$50,000 at Jigg's Landing. RFP 15-1630CP was subsequently issued, resulting in the receipt of 2 proposals which were evaluated. TDKS was the highest ranked firm.

The County successfully negotiated a franchise license agreement with TDKS for concession services at Jiggs Landing for a one (1) year term with renewal options in five (5) year increments.

On August 26, 2016, Amendment No.1 was executed to provide for updates to the operating hours, kayak rental prices, and addition of family movie nights.

Manatee County Government Administrative Center
First Floor, Commission Chambers
9:00 a.m. - March 6, 2018

On November 7, 2016, Amendment No.2 was executed to exercise the renewal term commencing on December 15, 2016, and ending December 14, 2021.

On April 4, 2017, Amendment No. 3 was executed providing for beer and wine sales as defined in Exhibit C, Statement of Work of the Franchise License Agreement.

This Amendment No. 4 modifies payment terms for monthly utilities bill cost sharing where Licensee pays the first \$200, and amends Section 14 Compensation amount to the County from over \$75,000 per calendar year to over \$85,000 per calendar year.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Original Amendment No. 4 to Board Records.

Copy to: TDKS Enterprises, LLC, 6106 63rd Street East, Bradenton, FL 34203

Email copies to:

TDKS Enterprises, LLC, Attn: Don Collison at doncollison@hotmail.com

Parks and Natural Resources Department, Attn: Debbie Voorhees at debbie.voorhees@mymanatee.org

Procurement Division, Attn: Greg Davis at mailto:gregorv.davis@mymanatee.org

Distributed 3/8/18, RT

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A


Attachment: [2-22-18_TDKS Amend 4 Agenda Memo.pdf](#)

Attachment: [TDKS Enterprises Amendent 4 Feb 22 2018.pdf](#)

Attachment: [Financial Analysis Water & Sewage Modification to Sec 8.6.19 of FLA.pdf](#)

MEMORANDUM



To: Theresa Webb, Financial Management Purchasing Official
From: 
Charlie Hunsicker, Director
Date: **February 22, 2018**
Subject: Approval for Submission – Amendment No. 4 TDKS Franchise License Agreement for Jiggs Landing, Changes in Payment Terms

Please allow this memo to serve as approval for submission to the Manatee County Board of County Commissioners of Amendment # 4 to the Franchise License Agreement between Manatee County and TDKS Enterprises, LLC for operations and management of concessions at Jiggs Landing Preserve.

As always, thank you for your assistance.

Copies: Debbie Voorhees, Contracts Manager
Luz McQuiston, Fiscal Services Manager

Parks and Natural Resources
Administration
5502 33rd Avenue Drive West, Bradenton, Florida 34209
Phone number: (941) 742-5923

Financial Analysis TDKS Franchise License Agreement - Modification to Section 8.6.19

| <u>Month</u> | <u>Monthly Bill</u> |
|-----------------------------------------|---------------------|
| 1/1/2017 | \$487.75 |
| 2/1/2017 | \$537.77 |
| 3/1/2017 | \$558.62 |
| 4/1/2017 | \$535.99 |
| 5/1/2017 | \$565.52 |
| 6/1/2017 | \$564.82 |
| 7/1/2017 | \$518.42 |
| 8/1/2017 | \$537.40 |
| 9/1/2017 | \$547.25 |
| 10/1/2017 | \$571.14 |
| 11/1/2017 | \$596.46 |
| Estimated Dec 2017 | \$703.63 |
| Total 2017 | \$6,724.77 |
| TDKS pays \$200 per month | -\$2,400.00 |
| County Liability - based on 2017 | \$4,324.77 |