

3EE-2

Agenda Item #: _____

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 9/1/2020 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department

Submitted By: TOURIST DEVELOPMENT COUNCIL

Submitted For: TOURIST DEVELOPMENT COUNCIL

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: The Fourth Amendment to the Agreement dated October 17, 2017 with Discover Palm Beach County, Inc., d.b.a. Discover The Palm Beaches (Discover) (R2017-1633) for the provision of services under the County’s Tourist Development Plan for the period October 1, 2020 through September 30, 2021 for the total budgeted amount of \$17,417,615.

Summary: The Fourth Amendment updates for Fiscal Year 2021 Exhibit “A”- Annual Budget, Exhibit “H” – Performance Measures, Exhibit “K” – Organizational Chart, Exhibit “L” – Insurance, and Exhibit “M” – Diversity Survey, to be executed in Fiscal Year 2021. Included is \$12,900,000 in contractual services, \$2,199,896 in requested stimulus funding, \$1,987,425 in reserves, and \$330,294 in indirect costs for a total budgeted amount of \$17,417,615. This will be the fourth Amendment and fourth year of a five-year Agreement. The Fourth Amendment and exhibit changes have been reviewed and approved by the Tourist Development Council (TDC) Finance Committee and the TDC Board. Countywide (LDC)

Background and Justification: Under the current Agreement, Discover develops and implements an Annual Marketing Plan to directly promote Palm Beach County Tourism. All expenditures by Discover under the Agreement must be made in accordance with an Annual Operating Budget included as Exhibit “A” to the Agreement, which is amended annually to reflect County annual appropriations. The Fourth Amendment adopts a new Exhibit “A” (Annual Budget), updates Exhibit “H” (Performance Measures), Exhibit “K” (Organizational Chart) reflecting unfunded and furloughed positions, Exhibit “L” (Insurance), and Exhibit “M” (Diversity Survey) reflecting the current levels of staffing diversity.

Attachments:

- 1. Fourth Amendment to the Agreement with Discover Palm Beach County, Inc.

Recommended by: [Signature] Date: 8/19/20
Department Director

Approved By: [Signature] Date: 8/27/2020
County Administrator

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>12,900,000</u>	<u>13,545,000</u>	<u>14,222,250</u>	<u>14,933,363</u>	<u>15,680,031</u>
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	-----	-----	-----	-----	-----
In-Kind Match (County)	-----	-----	-----	-----	-----
	12,900,000	13,545,000	14,222,250	14,933,363	15,680,031
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	- 0-	0----	0----	0----	0-----
Is Item Included In Proposed Budget?	Yes <u> X </u>		No _____		

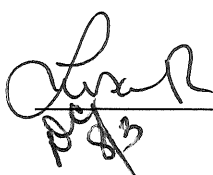
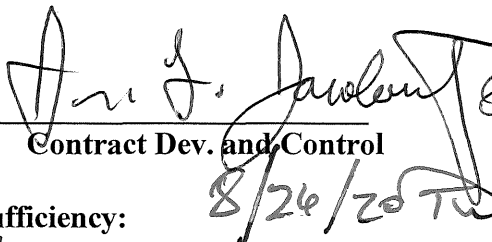
Budget Account No.: Fund 1454 Dept 710 Unit 7420 Object 3401
 Reporting Category _____ VARIOUS

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 Discover Palm Beach County receives 48.32% of the 2nd, 3rd, 5th, and 6th pennies of the Local Option Bed Tax


C. Department Fiscal Review: _____

III. REVIEW COMMENTS

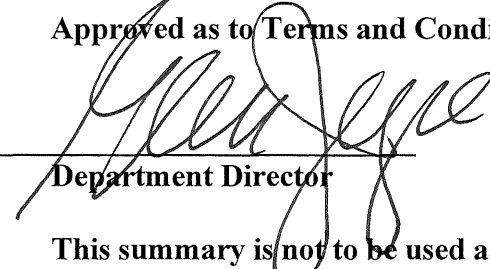
A. OFMB Fiscal and/or Contract Administration Comments:

 8/14/2020
 OFMB 8/8/3
 8/26/2020
 Contract Dev. and Control 8/26/2020

B. Approved as to form and Legal Sufficiency:


 Assistant County Attorney

C. Approved as to Terms and Conditions:


 Department Director
 This summary is not to be used as a basis for payment.

**FOURTH AMENDMENT TO THE AGREEMENT BETWEEN PALM BEACH COUNTY
ON BEHALF OF THE TOURIST DEVELOPMENT COUNCIL AND DISCOVER
PALM BEACH COUNTY, INC.**

THIS FOURTH AMENDMENT is made and entered into this _____ day of _____, 2020, to the Agreement dated October 17, 2017 (hereinafter referred to as the "Agreement") (R2017-1633 as amended), by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter referred to as "COUNTY"), and Discover Palm Beach County, Inc., d.b.a. Discover The Palm Beaches (hereinafter referred to as "DISCOVER").

WITNESSETH:

WHEREAS, the COUNTY and DISCOVER entered into a five-year Agreement whereby DISCOVER develops and implements an Annual Marketing Plan to directly promote Palm Beach County Tourism; and

WHEREAS, the Agreement requires an amendment to provide for certain revised Exhibits; and

WHEREAS, the parties have agreed that this Amendment is in the best interest of DISCOVER and the COUNTY's Tourism promotion program.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Exhibits "A", "H", "K", "L", and "M" of the Agreement are hereby deleted in their entirety and replaced with a new Exhibit "A" (FY 2021 Annual Budget), Exhibit "H" (Performance Measures), Exhibit "K" (Organizational Chart), Exhibit "L" (Insurance), and Exhibit "M" (Diversity Survey), all attached hereto and made a part hereof.
2. This Amendment shall become effective when executed by the parties hereto.
3. All other terms and conditions of the Agreement dated October 17, 2017, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment on the day and year first written above.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

(SEAL)

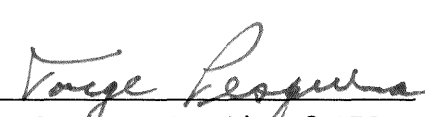
PALM BEACH COUNTY FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONER

By: _____
Dave Kerner, Mayor

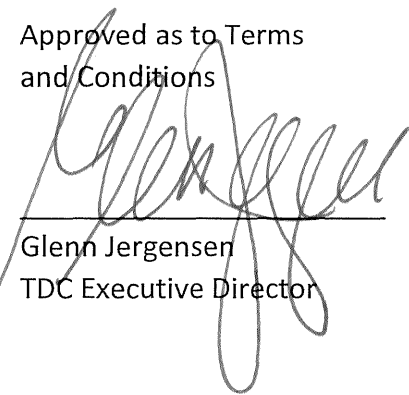
ATTEST:

By: 
Board Authorization
Patrick Franklin
Chair

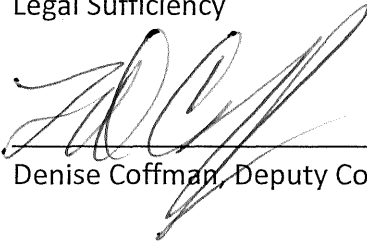
DISCOVER PALM BEACH COUNTY, INC.

By: 
Jorge Pesquera, President & CEO

Approved as to Terms
and Conditions


Glenn Jergensen
TDC Executive Director

Approved as to ~~Form~~ and
Legal Sufficiency


Denise Coffman, Deputy County Attorney

PALM BEACH COUNTY
Discover The Palm Beaches
Exhibit A

Discover FY21 Contract	FY18 Actual	FY19 Actual	FY20 Budget	FY20 Modified Budget	FY20 Forecast	FY21 Budget
Total Discover Contract	\$ 15,522,561	\$ 17,326,263	\$ 18,500,000	\$ 18,500,000	\$ 12,500,000	\$ 12,900,000
Marketing Stimulus	\$ 20,200	\$ -	\$ -	\$ -	\$ 1,851,153	\$ 2,199,896
County Direct	\$ 73,958	\$ 92,748	\$ 407,373	\$ 407,373	\$ 153,136	\$ 330,294
Total Discover Expenses	\$ 15,616,719	\$ 17,419,011	\$ 18,907,373	\$ 18,907,373	\$ 14,504,289	\$ 15,430,190
Reserves	\$ 5,822,961	\$ 5,258,875	\$ 3,053,937	\$ 3,010,798	\$ 3,408,056	\$ 1,987,425
Total Discover Expense Budget	\$ 21,439,680	\$ 22,677,886	\$ 21,961,310	\$ 21,918,171	\$ 17,912,345	\$ 17,417,615

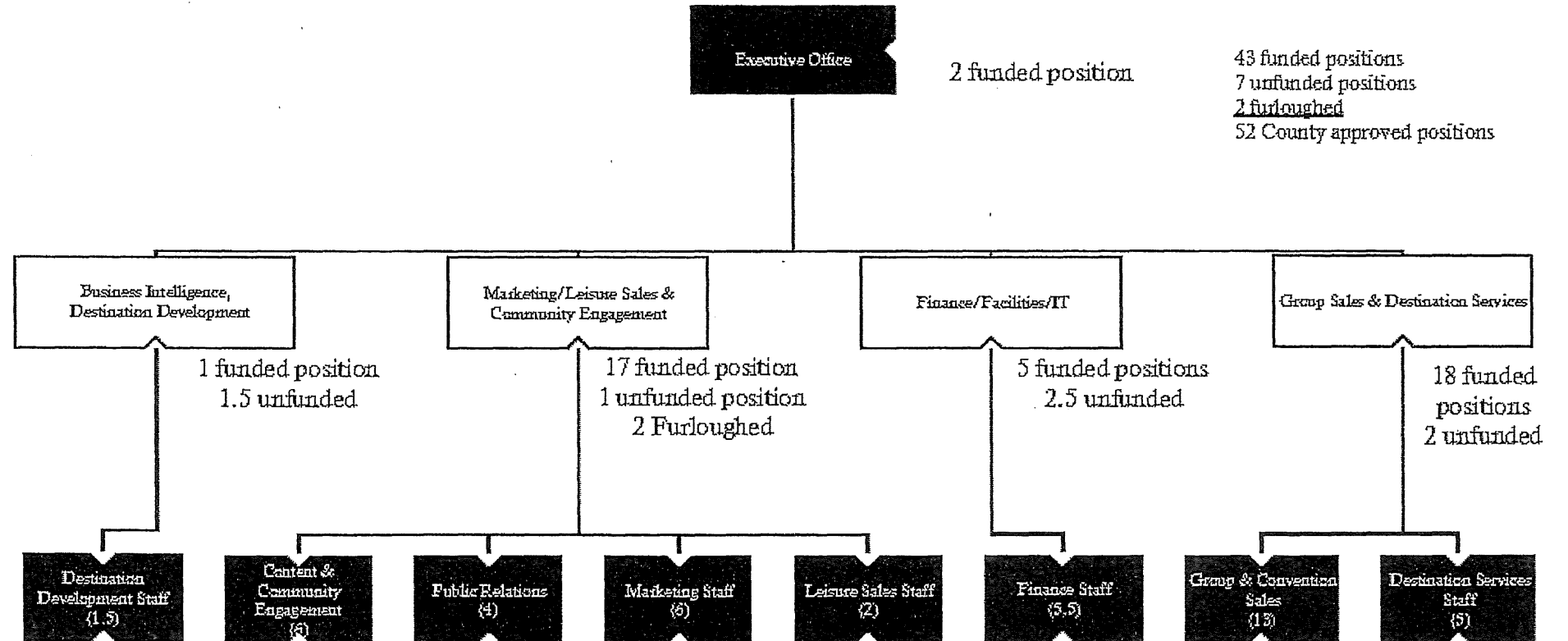
Exhibit H

DISCOVER THE PALM BEACHES	Exhibit H		Palm Beach County, FL	
<u>FY 2021 OBJECTIVES</u>	<u>Actual FY19</u>	<u>Goal FY20</u>	<u>Projected FY21</u>	<u>Type</u>
<i>Marketing</i>				
• Increase Consumer and Travel Industry database to 400,000 records.	396,477	394,145	400,000	Demand
• Generate 1,680,000 unique visitors to the DPBC website. ¹	2,579,047	N/A	N/A	Demand
• Generate 11,000,000 Owned Views/Digital Footprint. ²	N/A	12,000,000	11,000,000	Demand
• Generate 1,200,000 Social Engagements. ³	1,601,515	1,522,500	1,200,000	Demand
• Generate 679,250,000 Advertising Impressions - a universal performance measurement in advertising.	807,667,108	679,250,000	400,000,000	Output
• Generate 150,000,000 Earned Media Impressions - a universal performance measurement in PR.	254,459,489	212,180,000	150,000,000	Output
<i>Sales</i>				
• Book 90,000 DTPB only room nights (Hotel Meetings Leads).	165,881	160,000	90,000	Demand
• Generate 30,000 Group Level Booked Room Nights Convention Center Shared.	54,159	53,000	30,000	Demand
• Generate 20,000 Group Level Actual FY Room Nights for Convention Center Shared.	39,590	35,000	20,000	Input
• Generate 55 participants in Destination Reviews.	79	65	55	Output
• Generate 70 Destination Site Participations.	111	90	70	Output

Exhibit K

Discover The Palm Beaches

FY2021 Organizational Chart





ISCPAL-01

URIBE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/7/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0E67768 Insurance Office of America, Inc. Abacoa Town Center 1200 University Blvd, Suite 200 Jupiter, FL 33458	CONTACT NAME: Annie Uribe PHONE (A/C, No, Ext): (561) 296-5966 26059 FAX (A/C, No): (561) 776-0670 E-MAIL ADDRESS: Annie.Uribe@ioausa.com													
	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A : Southern-Owners Insurance Company</td> <td>10190</td> </tr> <tr> <td>INSURER B : Auto-Owners Insurance Company</td> <td>18988</td> </tr> <tr> <td>INSURER C : Continental Casualty Company</td> <td>20443</td> </tr> <tr> <td>INSURER D : Travelers Casualty & Surety Company</td> <td>19038</td> </tr> <tr> <td>INSURER E : Scottsdale Insurance Company</td> <td>41297</td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Southern-Owners Insurance Company	10190	INSURER B : Auto-Owners Insurance Company	18988	INSURER C : Continental Casualty Company	20443	INSURER D : Travelers Casualty & Surety Company	19038	INSURER E : Scottsdale Insurance Company	41297	INSURER F :
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INSURER F :														
INSURED Discover Palm Beach County, Inc. dba Discover The Palm Beaches 2195 Southern Blvd Suite 400 West Palm Beach, FL 33406														

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		72700706-19	10/1/2019	10/1/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 HNO AUTO \$ 1,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						\$ \$ \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			4740089100	10/1/2019	10/1/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	5094636760	10/1/2019	10/1/2020	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
D	Crime			105684996	10/1/2019	10/1/2020	Deductible \$10,000 \$ 5,000,000
E	Directors & Officers			EK13308022	10/1/2019	10/1/2020	Retention \$10,000 \$ 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Palm Beach County Board of County Commissioners Attn: TDC 2195 Southern Blvd, Suite 500 West Palm Beach, FL 33401	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Exhibit M

Organization Name:		TOTAL STAFF JUNE 2020					TOTAL STAFF JUNE 2019					TOTAL STAFF JUNE 2018					TOTAL STAFF JUNE 2017				
Discover	PBC																				
	Ethnicity	Key			Total	Ethnicity	Key			Total	Ethnicity	Key			Total	Ethnicity	Key			Total	Ethnicity
	%	Ethnicity	Female	Male	Staff	%	Ethnicity	Female	Male	Staff	%	Ethnicity	Female	Male	Staff	%	Ethnicity	Female	Male	Staff	%
Senior Management	54%	White	1	2	3	75%	White	1	3	4	80%	White	1	2	3	60%	White	1	2	3	60%
	10%	Black	0	0	0	0%	Black	0	0	0	0%	Black	0	0	0	0%	Black	0	0	0	0%
	21%	Hispanic	0	1	1	25%	Hispanic	0	1	1	20%	Hispanic	0	1	1	20%	Hispanic	0	2	2	40%
	3%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian	0	1	1	20%	Asian	0	0	0	0%
	4%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%
Total	100%		1	3	4	100%		1	4	5	100%		1	4	5	100%		1	4	5	100%
Professional	54%	White	12	7	19	66%	White	13	7	20	63%	White	15	8	23	72%	White	13	7	20	65%
	18%	Black	3	2	5	17%	Black	2	3	5	16%	Black	3	0	3	9%	Black	4	0	4	13%
	21%	Hispanic	3	2	5	17%	Hispanic	4	3	7	22%	Hispanic	1	4	5	16%	Hispanic	1	3	4	13%
	3%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian	1	0	1	3%	Asian	1	0	1	3%
	4%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	2	2	6%
Total	100%		18	11	29	100%		19	13	32	100%		20	12	32	100%		19	12	31	100%
Administrative & Clerical	54%	White	7	0	7	70%	White	7	1	8	67%	White	6	1	7	78%	White	7	2	9	90%
	18%	Black	2	0	2	20%	Black	0	0	0	0%	Black	1	0	1	11%	Black	0	0	0	0%
	21%	Hispanic	1	0	1	10%	Hispanic	1	2	3	25%	Hispanic	1	0	1	11%	Hispanic	1	0	1	10%
	3%	Asian	0	0	0	0%	Asian	1	0	1	8%	Asian	0	0	0	0%	Asian	0	0	0	0%
	4%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%
Total	100%		10	0	10	100%		9	3	12	100%		8	1	9	100%		8	2	10	100%
Total Agency	54%	White	20	9	29	67%	White	21	11	32	65%	White	22	11	33	72%	White	21	11	32	70%
	18%	Black	5	2	7	16%	Black	2	3	5	10%	Black	4	0	4	9%	Black	4	0	4	9%
	21%	Hispanic	4	3	7	16%	Hispanic	5	6	11	22%	Hispanic	2	5	7	15%	Hispanic	2	5	7	15%
	3%	Asian	0	0	0	0%	Asian	1	0	1	2%	Asian	1	1	2	4%	Asian	1	0	1	2%
	4%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	0	0	0%	Other	0	2	2	4%
Total	100%		29	14	43	100%		29	20	49	100%		29	17	46	100%		28	18	46	100%