

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 20, 2024 Consent Regular
 Ordinance Public Hearing

Department

Submitted By: **TOURIST DEVELOPMENT COUNCIL**

Submitted For: **TOURIST DEVELOPMENT COUNCIL**

I. EXECUTIVE BRIEF

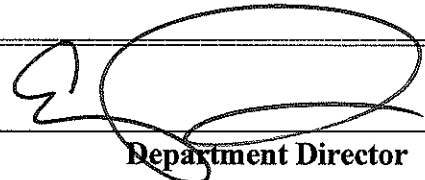
Motion and Title: Staff recommends motion to approve: Second Amendment (Amendment) to the Agreement (R2022-1018) with the Palm Beach County Film & Television Commission Inc. (Film Commission) for the provision of services under the County’s Tourist Development Plan for a total amount of \$4,491,987 during the period of October 1, 2024 through September 30, 2025.

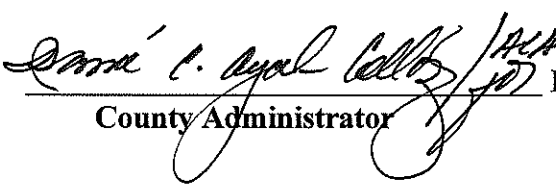
Summary: The Amendment updates for Fiscal Year 2025, Exhibit “A” – Annual Budget (for an amount not to exceed \$2,366,087 in contractual services, \$177,936 in County Direct, and \$1,947,964 in reserves, for a total of \$4,491,987), Exhibit “E” – Insurance, Exhibit “F” – Performance Measures, Exhibit “J” – Organizational Chart, Exhibit “M” – Procurement Policy, and Exhibit “N” – Diversity Schedule. The Amendment has been approved by the Tourist Development Council Board. **Countywide (YBH)**

Background and Justification: Under the current Agreement, as amended, Film Commission develops and implements an Annual Marketing Plan to promote tourism, for which the County provides funding through bed tax dollars. All expenditures by the Film Commission under the Agreement must be made in accordance with the Annual Budget, which is attached as Exhibit “A” to the Agreement, from funds appropriated annually by the County. The Agreement is for five years, through September 30, 2027, and the Amendment updates the Agreement’s Annual Budget for Fiscal Year 2025. The Amendment adopts new Exhibits “A” (Annual Budget), Exhibit “E” (Insurance), Exhibit “F” (Performance Measures), Exhibit “J” (Organizational Chart), Exhibit “M” (Procurement Policy), and Exhibit “N” (Diversity Schedule).

Attachment:

- 1. Second Amendment with Exhibits A, E, F, J, M, and N (2)

Recommended by:  Date: 6/26/24
Department Director

Approved By:  Date: 7/29/24
County Administrator

SECOND AMENDMENT TO THE AGREEMENT BETWEEN PALM BEACH COUNTY ON BEHALF OF THE TOURIST DEVELOPMENT COUNCIL AND PALM BEACH COUNTY FILM & TELEVISION COMMISSION, INC.

THIS SECOND AMENDMENT (Amendment) is made and entered into this 20th day of August, 2024, to the Agreement dated September 13, 2022 (Agreement) (R2022-1018), by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (COUNTY), and PALM BEACH COUNTY FILM & TELEVISION COMMISSION, INC. (FILM) (collectively, Parties).

WITNESSETH:

WHEREAS, the COUNTY and FILM entered into the five-year Agreement, as amended on September 19, 2023 (R2023-1355), whereby FILM develops and implements an Annual Marketing Plan for attracting tourism in Palm Beach County; 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 FILM and the COUNTY's Tourism promotion program.

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

1. The above recitations are true and correct and incorporated herein.
2. Exhibits "A", "E", "F", "J", "M", and "N" of the Agreement, as amended, are hereby deleted in their entirety and replaced with Exhibit "A" (Annual Budget), Exhibit "E" (Insurance), Exhibit "F" (Performance Measures), Exhibit "J" (Organizational Chart), Exhibit "M" (Procurement Policy), Exhibit "N" (Diversity Schedule) all attached hereto and made a part hereof.
3. This Amendment shall become effective when executed by the Parties hereto.
4. All other terms and conditions of the Agreement, dated September 13, 2022, as amended, shall remain in full force and effect.

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

ATTEST:

JOSEPH ABRUZZO
CLERK & COMPTROLLER

By: _____
Deputy Clerk

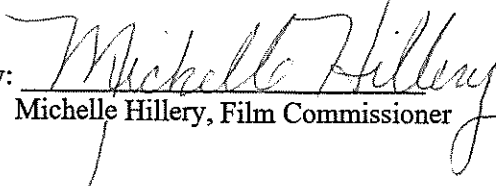
PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners

By: _____
Maria Sachs, Mayor


ATTEST:

By: 
Carol Roberts, Chair


PALM BEACH COUNTY FILM & TELEVISION COMMISSION, INC.

By: 
Michelle Hillery, Film Commissioner

Approved as to Terms and Conditions


Emanuel Perry
TDC Executive Director

Approved as to Form and Legal Sufficiency


Yelizaveta B. Herman,
Assistant County Attorney

PALM BEACH COUNTY
Film and Television Commission
Exhibit A
Annual Budget

	Actual	Actual	Adopted	Modified	Forecast	Budget
Film & Television Commission FY25 Contract	FY 2022	FY 2023	FY 2024	FY 2024	FY 2024	FY 2025
Total Film & Television Commission Contract	\$ 1,093,427	\$ 948,286	\$ 2,297,172	\$ 2,297,172	\$ 2,297,172	\$ 2,366,087
Marketing Stimulus	\$ 290,000	\$ 644,990	\$ -	\$ -	\$ -	\$ -
County Direct	\$ 135,965	\$ 116,681	\$ 171,807	\$ 171,807	\$ 166,051	\$ 177,936
Beach Payback	\$ -	\$ 86,200	\$ -	\$ -	\$ -	\$ -
Special Projects Payback	\$ -	\$ 86,200	\$ -	\$ -	\$ -	\$ -
Total Film & Television Commission Expenses	\$ 1,519,392	\$ 1,882,357	\$ 2,468,979	\$ 2,468,979	\$ 2,463,223	\$ 2,544,023
Reserves	\$ 1,553,247	\$ 2,140,284	\$ 1,342,076	\$ 1,925,041	\$ 2,075,779	\$ 1,947,964
Total Film & Television Expense Budget	\$ 3,072,639	\$ 4,022,641	\$ 3,811,055	\$ 4,394,020	\$ 4,539,002	\$ 4,491,987

PALM BEACH COUNTY

Tourist Development Council
 Film Television Commission
 FY 2025 Program Budget

Exhibit "A" continued

Film & Television Commission	Actual FY23	Adopted Budget FY24	Modified Budget FY24	Forecast FY24	Proposed Budget FY25	FY25 Budget vs FY24 Modified Budget	% (+ or -) FY25 Budget vs FY24 Modified Budget	FY25 Budget vs FY24 Forecast	% (+ or -) FY25 Budget vs FY24 Forecast
Personnel									
Wages & Salaries	473,902	698,067	698,067	698,067	792,894	94,827	13.58%	94,827	13.58%
Employee Benefits	95,081	193,645	193,645	193,645	210,062	16,437	8.49%	16,437	8.49%
Payroll Taxes	37,187	54,388	54,388	54,388	61,011	6,623	12.18%	6,623	12.18%
Bookkeeping/Contract Labor	160,726	27,900	27,900	27,900	59,100	31,200	111.83%	31,200	111.83%
Total Personnel	766,894	974,000	974,000	974,000	1,123,067	149,087	15.31%	149,087	15.31%
Marketing & Promotion									
Fulfillment	2,526	2,000	2,000	2,000	2,000	0	0.00%	0	0.00%
Printing & Binding Outside	268	5,000	5,000	5,000	5,000	0	0.00%	0	0.00%
Sales & Promotion	864	2,000	2,000	2,000	2,000	0	0.00%	0	0.00%
Consumer Trade Shows	4,583	15,000	15,000	15,000	15,000	0	0.00%	0	0.00%
Fam Tour	0	2,000	2,000	2,000	2,000	0	0.00%	0	0.00%
Promotional Items	3,115	10,000	10,000	10,000	10,000	0	0.00%	0	0.00%
Advertising	20,512	25,000	25,000	25,000	25,000	0	0.00%	0	0.00%
Collateral	7,034	5,000	5,000	5,000	5,000	0	0.00%	0	0.00%
Public Relations/Website/Social Media	3,779	20,000	20,000	20,000	20,000	0	0.00%	0	0.00%
Marketing & Digital Media	27,000	130,000	130,000	130,000	80,000	(50,000)	-38.46%	(50,000)	-38.46%
Development & Sponsorships	35,000	1,000,000	1,000,000	1,000,000	1,000,000	0	0.00%	0	0.00%
Total Marketing & Promotion	104,681	1,216,000	1,216,000	1,216,000	1,166,000	(50,000)	-4.11%	(50,000)	-4.11%
General & Administrative									
Legal	888	1,500	1,500	1,500	1,500	0	0.00%	0	0.00%
Insurance	7,792	12,172	12,172	12,172	13,390	1,128	9.27%	1,128	9.27%
Audit & Tax	16,700	17,000	17,000	17,000	16,600	1,000	5.88%	1,000	5.88%
Other Administration Expense	5,506	6,000	6,000	6,000	6,000	0	0.00%	0	0.00%
Communication Services	2,688	3,500	3,500	3,500	3,000	(500)	-14.29%	(500)	-14.29%
Network Expense	11,613	30,000	30,000	30,000	0	(30,000)	-100.00%	(30,000)	-100.00%
Office Supplies	3,466	4,000	4,000	4,000	4,000	0	0.00%	0	0.00%
Office Furniture & Equipment	7,714	7,000	7,000	7,000	5,200	(1,800)	700.00%	(1,800)	700.00%
DP Software & Accessories	3,132	4,000	4,000	4,000	4,000	0	0.00%	0	0.00%
Books Publications & Subscriptions	2,122	5,000	5,000	5,000	5,000	0	0.00%	0	0.00%
Dues & Memberships	5,684	7,000	7,000	7,000	7,000	0	0.00%	0	0.00%
Machinery & Equipment	8,768	8,000	8,000	8,000	8,000	0	0.00%	0	0.00%
Travel & Per Diem	648	2,000	2,000	2,000	2,000	0	0.00%	0	0.00%
Total General & Administrative	76,710	107,172	107,172	107,172	77,060	(30,172)	-28.15%	(30,172)	-28.15%
Total Film & Television Commission Contract	948,286	2,297,172	2,297,172	2,297,172	2,366,087	68,915	3.00%	68,915	3.00%
Marketing Stimulus Funding									
Payback Stimulus ERM/Beaches	86,200	0	0	0	0	0	0.00%	0	0.00%
Marketing Stimulus Special Projects	86,200	0	0	0	0	0	0.00%	0	0.00%
Marketing Stimulus FTC Reserves	644,990	0	0	0	0	0	0.00%	0	0.00%
Total Marketing Stimulus/ERM/Reserves/Special Proj.	817,390	0	0	0	0	0	0.00%	0	0.00%
County Direct Cost									
Operating Expense-Indirect (TDC)	37,903	87,381	87,381	87,462	90,349	2,968	3.40%	2,987	3.30%
ISS Enterprise Services	4,685	6,510	6,510	6,510	6,836	326	5.00%	326	5.00%
Tax Collector Commissions	35,941	35,237	35,237	35,237	36,937	700	1.99%	700	1.99%
BOCC - Indirect Costs (CAM)	36,238	38,049	38,049	37,800	39,962	1,903	5.00%	2,152	5.69%
Inspector General Fee	1,914	4,610	4,630	4,610	4,862	232	5.01%	252	5.47%
Data Processing Software/Accessories Exp	0	0	0	0	0	0	#DIV/0!	0	#DIV/0!
Transfers Out - Special Projects	0	0	0	0	0	0		0	
Transfers Out - Beach Program FD 1456	0	0	0	0	0	0		0	
Total County Direct Cost	116,681	171,787	171,807	171,619	177,336	6,129	3.57%	6,317	3.68%
Total Film & Television Commission Expense	1,882,356	2,468,959	2,468,979	2,468,791	2,544,023	75,044	3.04%	75,232	3.05%
Total Film & Television Commission Reserve	1,553,247	1,342,076	1,925,041	1,028,774	1,347,364	22,923	1.19%	919,190	89.35%
Total Film & Television Commission Available Funds	3,435,603	3,811,035	4,394,020	3,497,565	4,491,387	97,967	2.23%	994,422	28.43%



Exhibit "E"

PALMBEA-18

JZAMBRANO

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/12/2023

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: Plastridge Insurance Agency, 820 NE 6th Avenue, Delray Beach, FL 33483. CONTACT: Janett, (561) 276-5221, delraydocs@plastridge.com. INSURER(S) AFFORDING COVERAGE: EVANSTON INSURANCE CO. (35378), EMPLOYERS PREFERRED INS. CO. (10346), TRAVELERS CASUALTY & SURETY (19038).

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.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL SUBR, POLICY NUMBER, POLICY EFF, POLICY EXP, LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liability, Workers Compensation and Employers' Liability, Crime/Theft, and Directors & Officers.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 104, Additional Remarks Schedule, may be attached if more space is required) CERTIFICATE HOLDER IS LISTED ON POLICY AS ADDITIONAL INSURED WITH RESPECTS TO GENERAL LIABILITY. 401K-Pension Bond limit \$150,000 - Ohio Casualty Insurance Co. #LSF218491 - 10/1/23-24.

CERTIFICATE HOLDER: Palm Beach County c/o Tourist Development Council, 2195 Southern Blvd Suite 500, West Palm Beach, FL 33406. 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: [Signature]

Exhibit "F"

FILM & TELEVISION COMMISSION

Palm Beach County, FL

FY 2025 OBJECTIVES & PERFORMANCE MEASURES

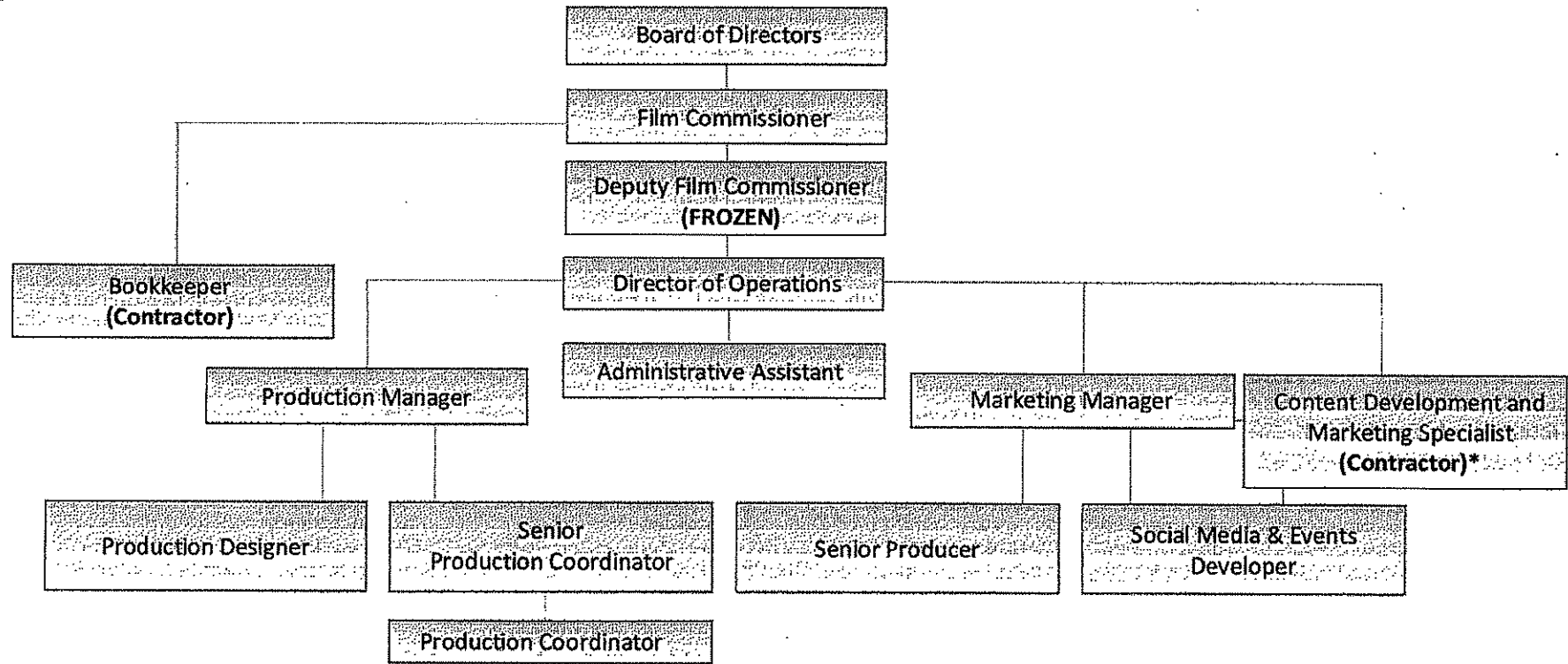
	Actual FY20	Actual FY21	Actual FY22	Actual FY23	FY24 Goal	Projected FY25	Type
• Collect and monitor production revenue (dollars spent in PBC). <i>Production Revenue (in the millions)</i>	184.20	195.90	\$223	\$245	\$240	\$255	Demand
• Generate hotel room nights. <i>Hotel Room Nights</i>	12,437	11,238	11,302	19,444	20,000	23,000	Demand
• Issue film permits. <i>Permits Issued</i>	243	372	302	324	350	364	Demand
• Provide professional assistance to other projects not required to pull a film permit. <i>Non-Permitted Productions</i>	202	263	196	180	240	250	Demand
• Generate production leads. <i>Total Leads</i>	256	318	237	180	240	250	Output
• Respond to leads. <i>Lead Responses</i>	253	312	232	169	240	168	Output
• Develop content marketing programs on an ongoing basis. Projects in this category include episodic television, one-off episodics, commercials and promos in-development, in-production and/or aired. <i>Develop Content Marketing Programs</i>	112	119	128	164	228	270	Output
• Generate unique visitors to the website. <i>Website Unique Visitors</i>	26,899	26,939	22,779	28,450	30,000	40,000	Demand



FILM AND TELEVISION COMMISSION

Exhibit "J"

FTC ORGANIZATIONAL CHART – FY25



*This contracted support positions is classified and funded under Marketing and Digital Media Services

EXHIBIT "M"

PROCUREMENT POLICY

Contracts entered into by Film in accordance with this Agreement shall be subject to the following guidelines and requirements. It shall be the responsibility of Film's President & CEO to educate staff who make purchases as to the Film's obligations under this Agreement. Failure to follow these guidelines may result in non-reimbursement of Film's Operating Expenses.

I. General

- a. Fully Budgeted. Film shall only procure goods or services that are fully budgeted and appropriated as per the Board of County Commissioners' annual approved budget.
- b. Awards to Bidders and Proposers. Awards will be made to the lowest responsive, responsible bidder, or responsive, responsible proposer, whose bid or proposal is determined to be the most advantageous to Film in its performance of its duties in accordance with the terms of this Agreement.
- c. Evaluation Criteria. Evaluation of bids, offers and proposals shall be based upon the criteria established by Film in the solicitation and any other relevant information obtained through the evaluation process. Proposal criteria may include but need not be limited to price. Discussions or negotiations with the most qualified vendor based upon its offer may be conducted for the purpose of obtaining a contract which is in Film's best interests in the performance of its duties, obligations and functions as provided in this Agreement.
- d. Vendor List. Film will maintain a vendor list of those providers of goods or services who desire to be placed on the list. Such list shall include small business enterprises certified by the COUNTY. Film will solicit bids, quotes, or proposals from responsible prospective suppliers, vendors or contractors obtained from Film's or the COUNTY's vendor list, publications, catalogues, suggestions from the TDC or its staff, previous suppliers, and the like.
- e. Dollar Limits. All purchasing procedures and dollar limits will be determined by the initial term of the contract multiplied by the annual contracted dollar amount and no contract will exceed five (5) years in duration. No contract or purchase shall be subdivided to avoid the purchasing guidelines and dollar limit requirements provided for in this Agreement.
- f. Written Contracts/Purchase Orders. All contracts and purchase orders, including those for professional or consulting services, shall be evidenced by a written agreement which shall specify the services to be performed and/or the goods to be received, the time period during which such services will be performed, the amount and form or method of compensation (e.g.,

retainer, expense reimbursement, direct cost, hourly or fixed fee, etc.), the method of cancellation or termination, remedies for non-performance, ownership of the product, and contain other standard contract language.

II. Approval Authority

- a. Approval authority of purchases or contracts for goods or services is subject to compliance with the procurement requirements set forth in Section III herein.
- b. Up to \$50,000. Film holds approval authority and may execute contracts for all purchases up to \$50,000.
- c. Between \$50,000 and up to \$100,000. Film shall obtain the approval of the Executive Director of the TDC prior to executing contracts or proceeding with purchases.
- d. Over \$100,000. Film shall obtain approval from the Executive Director of the TDC and the TDC Board prior to executing contracts or proceeding with purchases. Following approval by the TDC Board and execution of the associated contract by Film, Film will provide the TDC Director a copy of same for submission to the Palm Beach County Clerk of the Circuit Court & Comptroller (Clerk). Per its standing procedure, the Clerk will assign a record number ("R Number") to the contract in order to allow for reimbursements to be processed in compliance with the provisions of this Agreement.
 - i. Advertising/Marketing Purchases. Considering that, per the County's standard procedures for the annual budget approval cycle, Film's budget is submitted for the approval of the Executive Director of the TDC and the TDC Board prior to being submitted for approval by the Board of County Commissioners (Board), Sole Source purchases for advertising media and marketing/sales partnership agreements that are specifically detailed in Film's approved Marketing Plan and budget, shall be deemed authorized by the TDC Board and the Board upon approval of the County's annual budget.
 1. Should Film seek approval of a Sole Source purchase for advertising media or marketing/sales partnership agreements, either of which is in excess of the amount approved by the Board in the County's annual budget, Film shall submit the additional funding request to the Executive Director of the TDC and the TDC Board. Upon approval by the TDC Board, the Executive Director of the TDC will place the request on the agenda for action by the Board. The determination of the Board of County Commissioners shall be final. If Film's request is approved by the Board, Film may proceed to execute the associated contract, in compliance with the Agreement.

III. Procurement Processes

- a. Less than \$5,000. In order to purchase goods and services of less than \$5,000, Film may obtain oral quotes. A competitive process, that takes into consideration small/minority/women-owned business enterprises and Local Preference, is encouraged but not required when making these purchases.
- b. Between \$5,001 and up to \$50,000. To purchase goods or services between \$5,001 and up to \$50,000 Film must obtain a minimum of three (3) written quotes for each item or group of items needed. To solicit quotes, Film will develop a Request for Quotes (RFQ) detailing the specifications of the good or services to be procured. RFQ will be mailed, faxed, or emailed to prospective bidders, as identified by Film. Should Film be unable to obtain the required minimum of three (3) written quotes, it shall provide adequate justification to the satisfaction of the Executive Director of the TDC as to the need to proceed with the purchase.
- c. Between \$50,001 and up to \$100,000. To purchase goods and services between \$50,001 and up to \$100,000 Film must obtain a minimum of three (3) written proposals/bids thorough an Invitation to Bid (IFB) or Request for Submittal (RFS). Advertisements for IFB/RFS will be posted on Film's website under a public page and published no less than one time in a trade publication, or other appropriate vehicle distributed in Palm Beach County or the locale where the service will be provided, as appropriate. Film may elect to conduct direct outreach by emailing or mailing prospective bidders/respondents a copy of the IFB/RFS. Should Film be unable to obtain the required minimum of three (3) written proposals/bids, it shall provide adequate justification to the satisfaction of the Executive Director of the TDC as to the need to proceed with the purchase.
- d. Exceeding \$100,001. To purchase goods or services over \$100,000 Film shall:
 - i. Draft a request for proposals (RFP) or invitation for bids (IFB) detailing the specifications of the good or services to be procured.
 - ii. The draft RFP or IFB shall be submitted to the Executive Director of the TDC.
 - iii. The Executive Director of the TDC will review and must approve the RFP/IFB to ensure that it meets the applicable requirements of this Agreement.
 - iv. Film will not proceed to advertise the RFP/IFB prior to obtaining approval by the Executive Director of the TDC.
 - v. Film will advertise the RFP/IFB on Film's website on a public page and publish it no less than one time in a trade publication, or other appropriate vehicle distributed in Palm Beach County or the locale where the service will be provided.
 - vi. Film may elect to conduct direct outreach by emailing or mailing prospective bidders/respondents a copy of the RFP/IFB.

- vii. Responses will be evaluated by a Selection Committee. The Selection Committee members will be: (1) Film President & CEO, (2) TDC Executive Director, (3) Film Chair or designee, (4) TDC Board member, (5) Film Staff member, and (6) County Administrator or Designee.
 - viii. Once the Selection Committee for a specific procurement has been chosen, the Committee may convene to evaluate the responses received and make a recommendation provided a majority of members are present.
 - ix. The Committee's recommendation will be referred for further action to Film's Executive Committee or Film's Board, as dictated by the its By-Laws.
 - x. Following a recommendation of approval by Film's Executive Committee or Board, its recommendation will be placed on the agenda for the next scheduled meeting of the TDC Board. If Film's Executive Committee or Board does not recommend approval, or the TDC Board does not approve a recommended contract, then the matter will be referred back to the Selection Committee, which may select the second choice, cancel, or re- advertise the RFP/IFB.
 - xi. Upon approval by the TDC Board, Film is authorized to proceed with execution of the associated contract.
- e. Sole Sources. A sole source designation means there is only one (1) good or service that meets the need of Film, and that good or service is available through only one (1) source as determined by a reasonably thorough analysis of the marketplace.
- i. Film may purchase or contract for goods and services without competitive solicitation only if it has provided to the Executive Director of the TDC evidence in writing demonstrating that the proposed purchase or contract meets the definition of sole source herein. The evidence must be independent from the vendor.
 - ii. The request for, and approval of, a proposed Sole Source purchase must be made prior to contract execution.
 - iii. The purchase of services with key industry associations for advertising media and/or marketing/sales partnerships, are authorized to be procured as sole source purchases, based on the unique characteristics that each key industry association has, including, but not limited to, readers, broadcast's audience, and media reach.
- f. Government/Cooperative Price Agreements. Film may procure goods and services hereunder from vendors who provide pricing that is equal to or better (less) than existing price agreements with the State of Florida, Palm Beach County, the municipalities of Palm Beach County, the Palm Beach County School Board and other TDC agencies or Florida tourism agencies or bureaus, provided that:

- i. such governmental entity, agency or bureau utilized a competitive process;
- ii. Film accepts the same terms and conditions specified in the originating contract; and
- iii. the contractor extends the same terms and conditions of the contract to the Film.

IV. Emergency Purchases

- a. Definition. An emergency purchase is a procurement made in response to a need for goods or services when the delay associated with complying in the requirements of Section III herein would be detrimental to the interests, health, safety or welfare of Film. Purchases made under the provisions of a State of Emergency issued for the County or the entire State of Florida will constitute an Emergency Purchase.
 - i. Film may purchase or contract for goods and services only if it has provided written justification to, and obtained approval of, the Executive Director of the TDC as to the conditions warranting the emergency purchase.
 - ii. When proceeding under an emergency purchase, Film may purchase goods or services through direct negotiations with the vendor, and without obtaining oral quotations, written quotations, or written bids or proposals.

Palm Beach County Film Television Commission Diversity Report
Exhibit N

Organization Name: PBC
Film & TV Commission

4th Key Ethn Total Ethnicity %

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

50th Key Ethn Total Ethnicity %

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

60th Key Ethn Total Ethnicity %

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

70th Key Ethn Total Ethnicity %

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

80th Key Ethn Total Ethnicity %

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

90th Key Ethn Total Ethnicity %

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

100th Key Ethn Total Ethnicity %

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

Senior Management

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

100th Key Ethn Total Ethnicity %

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

Total Agency

White	2	2	40%
Black	1	1	20%
Hispanic	1	1	20%
Asian	0	0	0%
Other	0	0	0%

TOTAL STAFF MAY 2024

White	2	2	40%
Black	1	1	20%
Hispanic	1	1	20%
Asian	0	0	0%
Other	0	0	0%

TOTAL STAFF MAY 2023

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

TOTAL STAFF MARCH 2022

White	1	1	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

TOTAL STAFF JUNE 2022

White	2	2	50%
Black	1	1	25%
Hispanic	1	1	25%
Asian	0	0	0%
Other	0	0	0%

TOTAL STAFF JUNE 2021

White	2	2	50%
Black	1	1	25%
Hispanic	1	1	25%
Asian	0	0	0%
Other	0	0	0%

TOTAL STAFF JUNE 2020

White	3	3	67%
Black	1	1	17%
Hispanic	1	1	17%
Asian	0	0	0%
Other	0	0	0%

TOTAL STAFF JUNE 2018

White	3	3	75%
Black	1	1	25%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%

White	4	4	100%
Black	0	0	0%
Hispanic	0	0	0%
Asian	0	0	0%
Other	0	0	0%