

RESOLUTION NO. 215-19

A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AMENDMENT NUMBER 6 TO THE AGREEMENT WITH MATCH POINT, INC.; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AMENDMENT PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on October 12, 2005, the City entered into an Agreement with Match Point, Inc. for Match Point's use of the City's Municipal Tennis Center to host its annual Association of Tennis Professionals ("ATP") tennis tournament. ("Agreement"); and

WHEREAS, the original Agreement between the City and Match Point has been previously amended five times; and

WHEREAS, in 2016, a dispute arose between the City and Match Point concerning the validity of the Agreement which resulted in the City filing an action for declaratory relief (Palm Beach County Case No. 502016CA002812) and that matter is now settled; and

WHEREAS, the number of ATP tournaments around the world is limited and, in fact, the City of Delray Beach, the host of the Delray Beach Open, is the smallest host city on the ATP World Tour; and

WHEREAS, the services provided by Match Point are unique and have generated millions of dollars to the local economy for the past twenty years; and

WHEREAS, the City Commission of the City of Delray Beach finds that a bid waiver is (and was) appropriate, that full and open competition of the services offered by Match Point is not in the City's best interest and that waiver of the competitive process is appropriate under the circumstances; and

WHEREAS, the City Commission of the City of Delray Beach ratifies the Agreement between the City of Delray Beach and Match Point, Inc., including the amendments thereto, in authorizing this Amendment Number 6; and

WHEREAS, the City Commission deems approval of this Resolution to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission of the City of Delray Beach has reviewed and hereby approves Amendment No. 6 to the Agreement between the City and Match Point, Inc., which is attached to this resolution as Exhibit “A”.

Section 3. The City Commission authorizes the City Manager to take any and all actions necessary to effectuate this Amendment.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Shelly Petrolia, Mayor

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Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney