

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Dennis Andresky/797-1245 by Herb Hyman/797-1016

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** n/a

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF TOBY'S CONCESSION SERVICES, INC. TO PROVIDE CONCESSIONAIRE SERVICES AT PINE ISLAND PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

**REPORT IN BRIEF:** The Town solicited competitive sealed proposals for concessionaire services at Pine Island Park. RFP documents were sent to nine (9) prospective proposers. Additionally, the bid was advertised state-wide in Florida Bid Reporting and nationally in BidNet and also posted on the Town's web site. The Town received two (2) proposals. The selection committee heard oral presentations from the short listed firms. Following oral presentations, the selection committee ranked the firms. The recommendation is for Toby's Concession Services, Inc. as the top ranked firm in accordance with the ranking totals attached hereto.

**PREVIOUS ACTIONS:** Not applicable.

**CONCURRENCES:** The firm of Toby's Concession Services, Inc. was chosen by the selection committee.

**FISCAL IMPACT:**

Has request been budgeted? n/a

If yes, expected cost:

Account Name: n/a

Additional Comments: Revenue to the Town

**RECOMMENDATION(S):** Motion to approve the resolution.

**Attachment(s):**

Procurement Authorization  
Selection Committee Rankings  
Incorporation information

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF TOBY'S CONCESSION SERVICES, INC. TO PROVIDE CONCESSIONAIRE SERVICES AT PINE ISLAND PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

WHEREAS, the Town solicited proposals to provide concessionaire services at Pine Island Park;  
and

WHEREAS, the selection committee has selected Toby's Concession Services, Inc. as the firm best qualified to provide the required services; and

WHEREAS, it is in the Town's best interest to execute a contract for such services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby accept the selection of Toby's Concession Services, Inc. as the firm best qualified to provide the required services and authorizes the Town Administrator or his designee to negotiate an agreement for such services and present that contract for approval at a future meeting date. Should no agreement be reached with the highest ranking firm, then the Town Administrator or his designee shall negotiate with the next ranked firm and present that agreement for approval.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

# TOWN OF DAVIE PROCUREMENT AUTHORIZATION

|                        |   |                         |
|------------------------|---|-------------------------|
| <u>ACCOUNT NUMBER.</u> | <u>BUDGET ITEM &amp; DESCRIPTION</u>                  | <u>APPROXIMATE COST</u> |
| 001-0820-366-1199      | Davie Pine Island Park Concession<br>Service Contract | Revenue to Town         |

METHOD OF PROCUREMENT (check the one that applies)

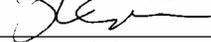
- Open Competitive Bidding
- Piggyback on Contract Number \_\_\_\_\_
- Sole Source
- Request For Proposals

SPECIFICATIONS & LIST OF VENDORS MUST BE ATTACHED

Signed  3/28/06  
Department Head

Have Funds been Reserved N/A REVENUE TO THE TOWN

Date 4/6/06 Signed 

Signed   
Town Administrator

|   | <u>BIDS SUBMITTED</u> |                       |
|---|-----------------------|-----------------------|
| <u>VENDOR</u>                           |                       | <u>COST</u>           |
| <u>TOBY'S CONCESSION SERVICES, INC.</u> | <u>RANKED</u>         | <u>1<sup>ST</sup></u> |
| <u>BACKSTREET GRILLE</u>                | <u>RANKED</u>         | <u>2<sup>ND</sup></u> |
|   |                       |                       |
|   |                       |                       |
|   |                       |                       |
|   |                       |                       |
|   |                       |                       |
|   |                       |                       |

Signed   
Procurement Manager

BID SPECIFICATION COMMITTEE'S RECOMMENDATION

| <u>Vendor</u>                           | <u>Cost</u>                  |
|---|------------------------------|
| <u>TOBY'S CONCESSION SERVICES, INC.</u> | <u>RANKED 1<sup>ST</sup></u> |

|    | A                | B                      | C          |
|----|------------------|------------------------|------------|
| 1  |                  |                        |            |
| 2  |                  |                        |            |
| 3  |                  | CONCESSIONAIRE-PI PARK |            |
| 4  |                  |                        |            |
| 5  |                  |                        |            |
| 6  | COMMITTEE MEMBER | TOBY'S                 | BACKSTREET |
| 7  |                  | CONCESSIONS            | GRILLE     |
| 8  |                  |                        |            |
| 9  | W. UNDERWOOD     | 1                      | 2          |
| 10 | R. MUNIZ         | 1                      | 2          |
| 11 | M. KUTNEY        | 1                      | 2          |
| 12 | L. PETERS        | 1                      | 2          |
| 13 | D. ANDRESKY      | 1                      | 2          |
| 14 | H. HYMAN         | 1                      | 2          |
| 15 |                  |                        |            |
| 16 | TOTAL            | 6                      | 12         |
| 17 |                  |                        |            |
| 18 | RANKING          | 1st                    | 2nd        |

**Form W-9**  
 (Rev. November 2005)  
 Department of the Treasury  
 Internal Revenue Service

**Request for Taxpayer Identification Number and Certification**

Give form to the requester. Do not send to the IRS.

Name (as shown on your income tax return)  
**TOBY'S CONCESSION SERVICES, INC.**

Business name, if different from above

Check appropriate box:  Individual Sole proprietor  Corporation  Partnership  Other  Exempt from backup withholding

Address (number, street, and apt. or suite no.)  
**10811 NW 29 ST**

City, state, and ZIP code  
**MIAMI, FL 33172**

List account number(s) here (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number  
 \_\_\_\_\_

OR  
 Employer identification number  
**6507541149**

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments ~~on~~ interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign Here: \_\_\_\_\_ Signature of U.S. person

Date: **9-18-06**

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

**U.S. person.** Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct for you (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding.
- Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a partner if you are:

- An individual who is a citizen or resident of the United States.
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partner's share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity.

**Town of Davie  
Vendor/Bidder Disclosure**

I, Chris de la Hoz, being first duly sworn state that:  
The full legal name and business address of the person(s) or entity contracting with the  
Town of Davie ("Town") are as follows (Post Office addresses are not acceptable):

Name of Individual, Firm, or Organization: Toby's Concession Services, Inc.  
Address: 10811 NW 29th Street  
Miami, FL 33172  
FEIN: 650-75-4149  
State and date of incorporation: Florida, October 28 1996.

**OWNERSHIP DISCLOSURE AFFIDAVIT**

1. If the contract or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who directly or indirectly holds five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full name and address shall be provided for each trustee and each beneficiary. All such names and address are as follows (Post Office addresses are not acceptable):

| Full Legal Name        | Address                                  | Ownership    |
|------------------------|--|--------------|
| <u>Chris de la Hoz</u> | <u>10811 29th Street Miami, FL 33172</u> | <u>100 %</u> |
| _____                  | _____                                    | _____ %      |
| _____                  | _____                                    | _____ %      |
| _____                  | _____                                    | _____ %      |

2. The full legal names and business addresses of any other individual (other than subcontractors, materialmen, suppliers, laborers, and lenders) who have, or will have, any legal, equitable, or beneficial interest in the contract or business transaction with the Town are as follows (Post Office addresses are not acceptable):

| Full Legal Name | Address |
|-----------------|---------|
| <u>N/A</u>      | _____   |
| _____           | _____   |
| _____           | _____   |
| _____           | _____   |

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**Florida Profit**

**TOBY'S CONCESSION SERVICES, INC.**

**PRINCIPAL ADDRESS**

10811 NW 29TH ST  
 MIAMI FL 33172  
 Changed 04/01/2004

**MAILING ADDRESS**

10811 NW 29TH ST  
 MIAMI FL 33172  
 Changed 04/01/2004

|  |                                       |                                     |
|--|---------------------------------------|-------------------------------------|
| <b>Document Number</b><br>P96000088621 | <b>FEI Number</b><br>650754149        | <b>Date Filed</b><br>10/28/1996     |
| <b>State</b><br>FL                     | <b>Status</b><br>ACTIVE               | <b>Effective Date</b><br>NONE       |
| <b>Last Event</b><br>AMENDMENT         | <b>Event Date Filed</b><br>10/13/2005 | <b>Event Effective Date</b><br>NONE |

**Registered Agent**

| Name & Address   |
|--|
| DE LA HOZ, CRISTOBAL<br>10811 N.W. 29 ST<br>MIAMI FL 33172 |
| Name Changed: 04/01/2004                                   |
| Address Changed: 04/01/2004                                |

**Officer/Director Detail**

| Name & Address  | Title |
|---|-------|
| DE LA HOZ, CRISTOBAL<br>10811 NW 29TH ST<br><br>MIAMI FL 33172 US | P     |
| LLACH, LILIANA<br>10811 NW 29TH ST                                | S     |

MIAMI FL 33172 US

### Annual Reports

| Report Year | Filed Date |
|-------------|------------|
| 2004        | 04/01/2004 |
| 2005        | 04/27/2005 |
| 2006        | 05/01/2006 |

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- 10/13/2005 -- Amendment
- 07/12/2005 -- Name Change
- 04/27/2005 -- ANNUAL REPORT
- 04/01/2004 -- ANNUAL REPORT
- 05/02/2003 -- ANN REP/UNIFORM BUS REP
- 09/12/2002 -- COR - ANN REP/UNIFORM BUS REP
- 04/25/2001 -- ANN REP/UNIFORM BUS REP
- 04/25/2000 -- ANN REP/UNIFORM BUS REP
- 04/22/1999 -- ANNUAL REPORT
- 04/14/1998 -- REINSTATEMENT

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**



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