

# Broward County



## Legislation Details (With Text)

**File #:** 21-441      **Version:** 1

**Status:** Agenda Ready

**In control:** REQUEST TO SET FOR PUBLIC HEARING

**On agenda:** 4/6/2021      **Final action:** 4/6/2021

**Title:** MOTION TO ADOPT Resolution No. 2021-115 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 20, 2021, at 10:00 a.m. in the County Commissioners' Meeting Room (Room 422), Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider the assignment of a nonexclusive vessel bunkering service franchise from Tethys Supply and Marketing, LLC, to Proteus Supply and Trading, LLC, to provide vessel bunkering service at Port Everglades for the remainder of the five-year franchise term which expires on June 4, 2024.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Resolution, 2. Exhibit 2 - Notice to Publish, 3. Exhibit 3 - Application, 4. Exhibit 4 - Tethys Letter dated January 20, 2021

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Business Administration

### Information

#### Requested Action

MOTION TO ADOPT Resolution No. 2021-115 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 20, 2021, at 10:00 a.m. in the County Commissioners' Meeting Room (Room 422), Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider the assignment of a nonexclusive vessel bunkering service franchise from Tethys Supply and Marketing, LLC, to Proteus Supply and Trading, LLC, to provide vessel bunkering service at Port Everglades for the remainder of the five-year franchise term which expires on June 4, 2024.

#### Why Action is Necessary

Public hearing is required pursuant to Chapter 94-429, Laws of Florida, and Section 32.22.a. of the Broward County Administrative Code. Franchises are granted pursuant to Chapter 32 of the Broward County Administrative Code.

#### What Action Accomplishes

It allows a public hearing date to be set and notices to be published twice in local newspapers.

#### Is this Action Goal Related

Yes

#### Previous Action Taken

None

### **Summary Explanation/Background**

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs."

Tethys Supply and Marketing, LLC ("Tethys"), has been providing vessel bunkering services at Port Everglades under an approved franchise agreement since 2018. On May 21, 2019 (Item No. 44), the Board granted renewal of a nonexclusive franchise to Tethys to provide vessel bunkering services at Port Everglades for a five-year term, from June 5, 2019, through June 4, 2024. On January 20, 2021 (see Exhibit 4), Tethys sent a letter to staff informing them of the transfer of the vessel bunkering operation to Proteus Supply and Trading, LLC ("Proteus"), and requesting the assignment of the franchise to Proteus for the remainder of the five-year franchise term ending June 4, 2024. Proteus has submitted an application for a nonexclusive franchise to provide vessel bunkering service at Port Everglades. Proteus, a Delaware limited liability company, registered to conduct business in the state of Florida on October 13, 2020.

Staff has reviewed the vessel bunkering service franchise application against the enumerated criteria set forth in Chapter 32 of the Broward County Administrative Code. Staff's due diligence included corresponding with Proteus' representative to clarify franchise requirements and reviewing Proteus' corporate status, resumes of executive staff and list of managerial personnel, business history/experience, litigation history, insurance, financial documents and creditworthiness, required licenses and certificates, company programs and policies, list of equipment to be used at Port Everglades, and ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades. Proteus' safety and environmental history was also reviewed, and no infractions were found. No false or misleading information was submitted as part of the franchise application. Proteus has, through the submission of the signed franchise application, agreed to comply with all franchise conditions set forth in Section 32.24 of the Broward County Administrative Code.

Based on the review of information provided in the franchise application, staff has determined that Proteus meets the criteria for a vessel bunkering service franchise, and that the proposed assignment of the Tethys franchise is in accordance with past practice. Accordingly, staff is recommending that the franchise be assigned to Proteus for the remainder of the five-year franchise term ending June 4, 2024. The complete application and supporting documents are on file in the Port Everglades Business Administration Division.

### **Source of Additional Information**

Jorge Hernández, Director, Business Administration Division, Port Everglades Department, (954) 468-3501

Angela Osorno Belleme, Franchise Manager, Business Administration Division, Port Everglades Department, (954) 468-0112

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Proteus has paid the required application fee of \$4,000 and will pay an additional \$9,000 in annual franchise fees over the term of the franchise for a total of \$13,000.