



Broward County

Legislation Details (With Text)

File #: 21-632 **Version:** 1

Status: Agenda Ready

In control: County Administration - Parks And Recreation Division

On agenda: 4/20/2021 **Final action:** 4/20/2021

Title: MOTION TO APPROVE First Amendment to Agreement between Broward County (County) and Bridges Everglades, LLC (Bridges), for Concessions Operations at Everglades Holiday Park (RLI No. R1060701R1), regarding Bridges' trade secret and confidential business information provided to County; and authorize the Mayor and Clerk to execute same. (Commission District 1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - First Amendment to Agreement

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

Director's Name: Bertha Henry

Department: County Administration

Division: Parks & Recreation

Information

Requested Action

MOTION TO APPROVE First Amendment to Agreement between Broward County (County) and Bridges Everglades, LLC (Bridges), for Concessions Operations at Everglades Holiday Park (RLI No. R1060701R1), regarding Bridges' trade secret and confidential business information provided to County; and authorize the Mayor and Clerk to execute same. **(Commission District 1)**

Why Action is Necessary

Section 32.16 of the Agreement requires Board approval of amendments.

What Action Accomplishes

Amends the current agreement to provide for the handling of documents labeled by Bridges as trade secret materials.

Is this Action Goal Related

No

Previous Action Taken

None

Summary Explanation/Background

THE PARKS AND RECREATION DIVISION RECOMMENDS APPROVAL OF THE ABOVE MOTION.

On May 14, 2013 (Item No. 54), the Board approved the Agreement between County and Bridges for Concessions Operations at Everglades Holiday Park (Agreement), with a June 3, 2013, commencement date and a ten-year term.

As a result of the novel 2019 coronavirus (COVID-19) pandemic, County closed Everglades Holiday Park from March 17 through May 17, 2020, in the interest of the public's health and safety. Due to the closure and the ongoing financial hardship that has resulted from COVID-19 impacts, Bridges has requested to negotiate financial relief assistance. For the County to fully evaluate Bridges' request, the County requires a review of Bridges' books and financial records.

Section 32.2 of the Agreement gives the County the right to audit the books, records, and accounts of Bridges and its subcontractors related to the Agreement. Bridges has requested that certain financial and other records it provides to the County be withheld and not subject to disclosure to third parties as trade secret information or confidential materials.

The County and Bridges desire to amend the Agreement regarding treatment of documents labeled by Bridges as trade secret materials. The First Amendment will add Section 32.27 to the Agreement to define Trade Secret/Exempt Confidential Materials and to specify Bridges' responsibilities to identify such documents and the County's obligation to refrain from disclosing them to third parties unless ordered by a court of competent jurisdiction or authorized in writing by Bridges. The new Section 32.27 will also require Bridges to indemnify and defend the County from all claims relating to the nondisclosure of any exempt materials. All other terms and conditions of the Agreement remain the same.

The First Amendment has been reviewed and approved as to legal sufficiency by the Office of the County Attorney.

Source of Additional Information

Dan West, Director, Parks and Recreation, (954) 357-8106

Fiscal Impact

Fiscal Impact/Cost Summary

None