



# Broward County

## Legislation Text

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File #: 21-545, Version: 1

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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. 2021-138 of the Board of County Commissioners of Broward County, Florida, consenting to 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; providing for franchise terms and conditions; and providing for severability and an effective date.

#### **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 approves the assignment of the nonexclusive franchise from Tethys Supply and Marketing, LLC, to Proteus Supply and Trading, LLC, to provide vessel bunkering service at Port Everglades.

#### **Is this Action Goal Related**

Yes

#### **Previous Action Taken**

Request to set Public Hearing was approved by the Broward County Board of County Commissioners on April 6, 2021 (Item No. 25).

#### **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 renewed the nonexclusive vessel bunkering service franchise granted to Tethys for a five-year term from June 5, 2019, through June 4, 2024. On January 20, 2021 (see Exhibit 5), Tethys sent a letter to staff informing 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 staff recommends that the proposed assignment be approved. 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.

The Resolution to Publish Notice of Public Hearing and Notice of Public Hearing from the Request to Set Public Hearing agenda item approved by the Board on April 6, 2021 (Item No. 25), are attached as Exhibit 3 and Exhibit 4.

#### **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.