

Exhibit A
Scope of Authorization

A. Introduction/Background

The City of Pompano Beach is a southeastern Florida coastal city with three (3) miles of beachfront property. One of the City's adopted strategic plan's goals is a preferred place to visit, emphasizing the importance of bringing in tourists and visitors to vacation. In efforts to attract visitors and tourists to the main public beach, the City wanted to provide the service of beach equipment and cabanas. This is a common amenity located throughout many cities along the southeast coast of Florida.

B. Objective

The City of Pompano Beach (City) requires a sole provider (Licensee) to operate the rental of beach equipment and cabanas to the public in efforts to enhance the amount of amenities the City can provide to the public.

C. Scope of Work

As part of their responsibilities, Licensee shall provide at a minimum the following services to patrons of the City's beach:

1. Manage the day to day operations of the beach equipment and cabana rental to the public and provide beach equipment rental and services on a year-round basis in order to meet the needs and demands of the public
2. Beach equipment rental and set up shall only occur in the following areas of the main public beach described below. Beach equipment shall mean chairs, umbrellas, cabanas, wind screens and related beach equipment.
 - a. South of the fishing pier – starting 150 yards north of south line of public beach, extending north to 150 yards south of fishing pier and west to 25 yards from lifeguard station. Equipment will not be located within 15 yards of lifeguard stands.
 - b. North of the fishing pier – starting 150 yards north of pier extending north to 150 yards of north boundary line of public beach and west to 25 yards west of lifeguard stand line. Equipment will not be located within 15 yards of lifeguard stands.
 - c. Any beach rental equipment will not exceed line of sight of the following:
 - i. East – between 2 adjacent lifeguard towers (lifeguard visibility)
 - ii. West – between 2 adjacent cement garbage cans placed mid-beach (emergency vehicle access lane)
3. Shall establish rates for renting of beach equipment and services. Rates must be on file with the City of Pompano Beach and posted visibly by Licensee. Any revisions to the rates must be preapproved by the City prior to posting and implementing.
4. Shall be responsible for the general cleanliness of the rented areas including daily collection of debris prior to opening and throughout the day.
5. Any additional buildings and/or storage required by Licensee shall conform to all applicable City codes and building requirements. These items shall remain the property of the City upon termination of the agreement. Size and color of storage shall be decided by the Parks and Recreation department.
6. Licensee shall only be authorized to rent beach equipment preapproved by the City. Additional items wish to be added will be subject to review by the City prior to implementing.

D. Summary of Tasks and Deliverables

Beach Equipment Rules and Regulations –

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1. Licensee shall provide a written evacuation plan for the prompt removal of all facilities and equipment used in the operations from the beachfront within one (1) hour of notification by appropriate City authorities and within eight (8) hours of issuance of a Hurricane Warning by the Broward County Office of Emergency Management.
2. Beach equipment rental operations shall not occur after sunset.
3. Beach chairs shall be permitted to remain on the sand overnight, if in good condition, neatly stacked and arranged side by side. A maximum of ten (10) chairs per stack for plastic and four (4) chairs per stack for wood.
4. Any additional building or storage used for operations will be allowed to remain on the beach, as long as they are all well maintained and kept in appropriate areas.
5. Licensee will be responsible for any damage caused to City property.
6. All storage buildings and beach equipment shall be neat, clean and well maintained at all times.
7. Any advertising of beach equipment shall be preapproved by the City.
8. Licensee shall comply with all City, State and Federal laws relating to access for people with disabilities.
9. Shall adhere to maintenance schedule, set up by the City, and provide personnel to remove cabanas and rental equipment according to that schedule to facilitate cleaning of the municipal beach.
10. City will not provide free parking for Licensee and employees.
11. Licensee may install signage to promote the sale of its merchandise and services with the preapproval from the City on size, wording, numbers, etc.

Any violations of above listed rules and regulations could result in the closing of operations and confiscation of all equipment by the City.

Beach Equipment –

1. All umbrellas, chairs and cabanas will be blue and white.
2. Rental equipment and services shall be limited to only the rental of beach chairs and lounges, beach umbrellas and cabanas. The following equipment will not be allowed to rent to the public: jet skis, wave runners, motorboats, sailboats, kayaks, scuba equipment or kit boarding. Licensee shall be allowed to rent boogie boards, paddle boards, and snorkel equipment.
3. Licensee is responsible for all repairs to equipment.
4. All beach equipment must meet the following minimum specifications:
 - a. Strap Lounge
 - i. Style: Chaise Lounge
 - ii. Construction: Aluminum
 - iii. Size: 79.5 x 24
 - iv. Weight: 19 lbs
 - v. Frame color: off white
 - vi. Stacking quantity: 10
 - vii. Strap Colors: blue and white
 - b. Double Wooden Lounge
 - i. Construction: Pressure treated pine with galvanized hardware
 - ii. Size: 13"H x 36"W x 72"L
 - c. Cabana
 - i. Fabric: Sunbrella
 - ii. Size: 52"H x 47"L x 57" W

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- iii. Construction: Aluminum Ribs and stainless steel bolts
- iv. Color: Blue
- d. Umbrella
 - i. Fabric: Sunbrella
 - ii. Size: 7.5' h x 8' W
 - iii. Color: Blue
- e. Cushion for Lounge
 - i. Fabric: Texaline
 - ii. Thickness: 3"
 - iii. Color: Blue
 - iv. Size: 69.5" x 22.5"
- 5. City will have the right to inspect equipment periodically to determine its condition.
- 6. At all times, cabanas shall be placed with a minimum clearance of ten (10) feet between each cabana on all sides.
- 7. Placement of equipment shall never interfere with Ocean Rescues' observation of the public for said public's welfare and safety.

Management –

- 1. All employees shall wear identification badge and uniform and must present themselves in a professional and courteous manner during hours of operation.
- 2. Responsible for hiring and managing its own staff to operate rental area. All staff shall be a minimum of eighteen years old.
- 3. Shall provide prompt response, and, if necessary, action, to any complaints.
- 4. Shall inform City of any repairs or maintenance necessary to the rental area.
- 5. Shall inform City in written of any accidents that occurred in rental area in which damage to property or injury occurs.
- 6. Shall not make any improvements, additions or repairs to rental area without prior approval from the City.
- 7. Shall conduct criminal background checks prior to the start of any and all employees. Licensee is responsible for the cost of the background check. The City reserves the right to approve or reject, for any reason, the Licensee's staff to this project at any time.

Compensation and Reporting –

- 1. Licensee shall collect all monies for rental of beach equipment and services.
- 2. Licensee shall be responsible for payment of all Florida sales tax for all revenue collected.
- 3. Licensee shall remit thirty (30%) percent of the gross revenue, minus sales taxes and tips, back to the City on a monthly basis. The total amount remitted to the City during the agreement shall be no less than twenty five thousand dollars (\$25,000.00). If the monthly gross revenue, minus sales taxes and tips, remittances do not total twenty five thousand dollars (\$25,000.00), Licensee shall provide the City a one time payment for the difference at the end of this agreement.
- 4. A monthly report, by Licensee, of gross sales will be due along with payment. Monthly report will also show detailed itemized revenue for beach equipment and service sales. Further detailed instruction is listed in Exhibit C (Recordkeeping, Inspection and Audit Procedures). This report to the City is due within fifteen (15) days after the previous month.
- 5. Shall be responsible to pay any and all sales taxes and other charges of any nature or kinds which may occur.

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6. Licensee shall furnish to the City an annual financial report, prepared by an independent certified public accountant within sixty (60) calendar days of the end of each annual agreement period.

Rules for Use of Motor Vehicles and Small Off-Road Vehicles on Beach

1. "Small off-road vehicle" shall mean golf carts and all terrain vehicles (ATV's) and any trailer attachment. Anyone driving a "small off-road" vehicle must present an approved safety course certificate before driving on the beach.
2. Licensee motor vehicle, small off-road vehicle and any trailer attached shall only be allowed on beachfront for purposes of supplying the concession operation and to initially deploy equipment at the beginning of the day, remove equipment at the close of operations each day and must be removed from the beachfront immediately thereafter. Anyone operating a motor vehicle or small off-road vehicle on behalf of Licensee must have a current Florida driver's license. Supplying and removing will only be permitted during regular business hours and shall be completed safely. No motor vehicle, or small off-road vehicle will be permitted on the beach after sunset or prior to sunrise. Access to the beach will only be permitted via the predetermined and assigned beach access points.
3. Vehicle speed, operated on the beachfront, shall not exceed five (5) mph.
4. Vehicle must have signage, on each side, with the name of the Licensee.
5. Licensee shall be limited to one (1) small off-road vehicle and one (1) attached trailer to supply and service licensee operation.
6. Upon entering beach area, vehicle lights must come on.
7. During operation of vehicle, passenger and drive front windows must be down.
8. All small off-road vehicles must stay in hard packed sand, west of area provided by Ocean Rescue.
9. Shall comply, at all times, with all rules for use of Motor Vehicles and Small Off-Road Vehicles on the Municipal Beach. Under no circumstance, shall any vehicle travel under the municipal pier.
10. City will review the safety courts certificates from Licensee in order to obtain authorization to utilize small off road vehicle and trailer on the beach and inform beach patrol of said authorization.