

**A RESOLUTION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO A RENEWAL AND SECOND AMENDMENT TO THE FC-4944 MANAGEMENT AND OPERATING AGREEMENT BETWEEN UNIVERSAL TENNIS MANAGEMENT AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**Workflow List:**

Amy Phuong	Completed	07/18/2014 10:01 AM
Mariangela Corales	Completed	07/18/2014 2:23 PM
Mayor's Office	Completed	07/18/2014 2:27 PM
Office of Research and Policy Analysis	Completed	07/22/2014 5:25 PM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

**A RESOLUTION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO A RENEWAL AND SECOND AMENDMENT TO THE FC-4944 MANAGEMENT AND OPERATING AGREEMENT BETWEEN UNIVERSAL TENNIS MANAGEMENT AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta's ("City") Department of Parks and Recreation ("DPR") operates recreational tennis programs and manages several tennis centers throughout the City, to wit: Sharon E. Lester Tennis Center in Piedmont Park, Washington Park Tennis Center in Washington Par, Chastain Park Tennis Center in Chastain Park, Bitsy Grant Tennis Center in Atlanta Memorial Park and McGhee Tennis in John A. White Park (collectively the "Tennis Centers"); and

WHEREAS, the Atlanta City Council adopted Resolution 09-R-1512 on September 8, 2009, and the Mayor approved on September 11, 2009 which authorized the City to enter into agreement FC-4944, Special Procurement for Management and Operation of Various Tennis Centers (the "Agreement") with Universal Tennis Management, LLC ("UTM"); and

WHEREAS, the term of the Agreement is for a period of five (5) years with two (2), two (2) year renewal options at the mutual consent of both parties; and

WHEREAS, the initial term is set to expire September 20, 2014; and

WHEREAS, in the course of implementing the renewal, the Parties have determined that changes to various operational and financial provisions contained in the Agreement are warranted and appropriate; and

WHEREAS, the Commissioner of Parks and Recreation has determined that it is in the best interest of the City to, and have recommended that the City, enter into a Renewal and Second Amendment to the Agreement with the terms and conditions described in Exhibit A attached.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor on behalf of the City, is hereby authorized to enter into a renewal and second amendment to the Agreement in substantially similar form to the document attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the term of the Renewal and Second Amendment shall be two (2) years commencing on September 21, 2014.

BE IT FURTHER RESOLVED, that the City Attorney, or his designee is hereby authorized to prepare the renewal and first amendment for execution by the Mayor.

BE IT FINALLY RESOLVED, that the renewal and second amendment shall not become binding on the City, and the City shall incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to UTM.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Trina Horton

Contact Number: 404-546-6795

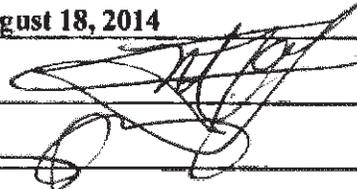
Originating Department: Department of Parks and Recreation

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: July 11, 2014

Anticipated Committee Meeting Date(s): July 29, 2014

Anticipated Full Council Date: August 18, 2014

Legislative Counsel's Signature: 

Commissioner's Signature: 

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements): N/A

Chief Procurement Officer Signature: N/A

**CAPTION**

**A RESOLUTION**

**BY COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO A RENEWAL AND AMENDMENT NUMBER TWO TO THE FC-4944 MANAGEMENT AND OPERATING AGREEMENT BETWEEN UNIVERSAL TENNIS MANAGEMENT AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 7-11-14  
(date)

Reviewed by:   
(date)

Submitted to Council: \_\_\_\_\_ (date)

Attachment: UTM Attachments (14-R-3988 : Universal Tennis Management renewal and amendment No. 2)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview: Community Development/Human Resources Committee**

**Caption: A RESOLUTION BY COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO A RENEWAL AND AMENDMENT NUMBER TWO TO THE FC-4944 MANAGEMENT AND OPERATING AGREEMENT BETWEEN UNIVERSAL TENNIS MANAGEMENT AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**Council Meeting Date:** August 18, 2014

**Requesting Dept.:** Department of Parks and Recreation

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

**THIS RESOLUTION IS TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO A RENEWAL AND AMENDMENT NUMBER TWO TO THE FC-4944 MANAGEMENT AND OPERATING AGREEMENT BETWEEN UNIVERSAL TENNIS MANAGEMENT AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**2. Please provide background information regarding this legislation.**

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids/Proposals:**
- (f) **Proposals Received:**
- (g) **Proponents:**
- (h) **Term of Contract:**

**4. Fund Account Center:**

**5. Source of Funds: n/a**

**6. Fiscal Impact: n/a**

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By: Trina Horton, Departmental Contracting Officer**

<p>(Do Not Write Above This Line)</p> <p><b>A RESOLUTION BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE</b></p> <p>A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO A RENEWAL AND AMENDMENT NUMBER TWO TO THE FC-4944 MANAGEMENT AND OPERATING AGREEMENT BETWEEN UNIVERSAL TENNIS MANAGEMENT AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Referred To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>FINAL COUNCIL ACTION</p> <p>1<sup>st</sup> &amp; 2<sup>nd</sup> _____</p> <p>3<sup>rd</sup> _____</p> <p>Readings</p> <p>Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote <input type="checkbox"/></p> <p>CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE &amp; REFER</p> <p><input type="checkbox"/> 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ &amp; REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred: _____</p> <p>Referred To: _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>MAYOR'S ACTION</p>

**RENEWAL AND SECOND AMENDMENT TO THE MANAGEMENT AND  
OPERATION AGREEMENT BETWEEN THE CITY OF ATLANTA AND UNIVERSAL  
TENNIS MANAGEMENT, LLC.**

THIS RENEWAL AND SECOND AMENDMENT TO FC-4944; SPECIAL PROCUREMENT FOR MANAGEMENT & OPERATIONS OF VARIOUS TENNIS CENTERS FOR THE DEPARTMENT OF PARKS AND RECREATION ("DPR") is made this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between the City of Atlanta, a municipal corporation of the State of Georgia, (the "City") and Universal Tennis Management, LLC (referred herein as "UTM" or "Contractor"), a Georgia limited liability corporation (the City and UTM collectively the "Parties").

**RECITALS**

**WHEREAS**, the City of Atlanta ("City") Department of Parks, Recreation and Cultural Affairs ("DPRCA") operates recreational tennis programs and manages several tennis centers throughout the City, to wit: Sharon E. Lester Tennis Center in Piedmont Park, Washington Park Tennis Center in Washington Park, Chastain Park Tennis Center in Chastain Park, Bitsy Grant Tennis Center in Atlanta Memorial Park and McGhee Tennis in John A. White Park (collectively the "Tennis Centers"); and

**WHEREAS**, the Atlanta City Council adopted Resolution 09-R-1512 on September 8, 2009, and the Mayor approved the same on September 11, 2009 which authorized the City to enter into Agreement FC-4944, Special Procurement for Management and Operation of Various Tennis Centers (the "Agreement") with UTM; and

**WHEREAS**, the initial term of the Agreement was for five (5) years with two (2) two year renewal options at the mutual consent of the parties; and

**WHEREAS**, UTM has performed satisfactorily under the Agreement and the Parties desire to exercise the first renewal option; and

**WHEREAS**, in the course of implementing the renewal to the Agreement, the Parties have determined that changes to various operational and financial provisions contained in the Agreement are warranted and appropriate; and

**WHEREAS**, the Commissioner of DPR has determined that it is in the best interest of the City to, and has recommended that the City, enter into a Renewal and Second Amendment to the Agreement; and

**WHEREAS**, this Renewal and Second Amendment has been authorized, by Resolution \_\_\_\_\_ adopted by the Atlanta City Council on \_\_\_\_\_ approved by the Mayor on \_\_\_\_\_.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, the Parties agree as follows:

1. That the Agreement with UTM to operate Tennis Centers is hereby extended for an additional two years commencing on September 21, 2014.

2. That Section 4. Programs and Services Offered - Special Needs Programming-Therapeutics Programming – is hereby amended by adding the following: In addition to offering wheelchair tennis opportunities such as regular Dreammakers clinics, the Contractor shall reach out to Coan Park Recreation Center to identify and offer to identify and offer wheelchair and other therapeutics tennis activities at Coan Park. Addition of a Dreammakers clinic at Coan Park would fulfill this contract requirement. These activities at Coan Park should take place no fewer than once a month, and should be offered during regular afterschool and/or summer camp hours in order to most effectively serve this population.

3. Section 4. Programs and Service Offered – the following language is hereby added as follows: The conference room in Chastain Park Tennis Center shall be considered bookable facilities and included as such in the City's iPARCS system.

4. That Section 7. Operation of Tennis Centers- Utilities is hereby deleted in its entirety and replaced with the following language: Contractor shall pay 100% of utilities (with the exception of water and land line phone lines, which will be paid directly by the City.

5. Section 7. Operation of Tennis Centers - the following paragraphs are hereby added to read as follows:

**POS System:** Contractor shall implement a proper point of sale (POS) system in all five tennis centers immediately. If UTM implements a POS system, cash acceptance for transactions will be permissible.

**Cash Holding: Contractor** shall establish secure collection points for cash fund collected (e.g. a safe or lock box).

**Safety Assessment Standards Compliance:** Contractor shall comply with all City of Atlanta Safety Assessment Standards, as well undergo monthly assessment at each City Tennis Center.

6. **Agreement in Full Force.** Except as amended herein, all other terms, covenants and conditions of the Agreement shall remain in full force and effect. The term "Agreement" where used in the Agreement shall hereinafter refer to the Agreement, as amended by this Renewal and Second Amendment. In addition, capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Agreement.

8. **Counterparts.** This Renewal and Second Amendment may be executed simultaneously in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument.

(SIGNATURES ON NEXT PAGE)

ATTEST:  
Sworn to and subscribed  
Before me this \_\_\_ day  
of \_\_\_\_\_, 2014

Universal Tennis Management, LLC:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
President

ATTEST:

CITY OF ATLANTA:

\_\_\_\_\_  
Municipal Clerk (Seal)

\_\_\_\_\_  
Mayor

RECOMMENDED:

\_\_\_\_\_  
Commissioner,  
Department of Parks and Recreation

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Sr. Assistant City Attorney

\_\_\_\_\_  
Chief Procurement Officer

Attachment: UTM Attachments (14-R-3988 : Universal Tennis Management renewal and amendment No. 2)