

City of Fayetteville Staff Review Form

2021-0576

Legistar File ID

8/17/2021

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Lee Farmer

7/23/2021

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of an ordinance to waive competing bidding for Parks and Recreation tennis programs provided by Ozark Tennis Academy, LLC.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	<u>No</u>	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	<u>No</u>	Item Cost	\$ -
Budget Adjustment Attached?	<u>No</u>	Budget Adjustment	\$ -
		Remaining Budget	\$ -

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF AUGUST 17, 2021

TO: Mayor and City Council
THRU: Susan Norton, Chief of Staff
FROM: Lee Farmer, Recreation Superintendent
DATE: July 23, 2021
SUBJECT: Fayetteville Parks and Recreation Tennis Program

RECOMMENDATION:

Staff recommends approval of an ordinance to waive competing bidding for Parks and Recreation tennis programs provided by Ozark Tennis Academy, LLC.

BACKGROUND:

Ozark Tennis Academy, LLC (OTA) was selected as the tennis instruction provider for Parks and Recreation tennis programs in March 2021. Parks and Recreation worked with Purchasing on an Informal RFP for the selection of this tennis instruction provider. The Informal RFP was sent to known tennis instruction providers in the area with the selection criteria based on qualifications, experience, proposed work method, past performance, and proposed fees for service. Three vendors submitted proposals and OTA was selected based on this selection criteria, in which OTA will be paid 90% of program registration for the tennis instruction.

DISCUSSION:

Parks and Recreation revamped tennis program offerings in 2021 to meet the needs of our community. An Informal RFP selection process for the instruction of these tennis programs was chosen as it was not anticipated that fees for instruction service would exceed \$20,000. However, the tennis programs have proven to be more successful than anticipated. The spring group session had 42 participants and 63 private lesson participants. The summer group session, which is currently taking place, has 60 participants and the youth summer camp had 63 participants. Tennis instruction payments for these programs have totaled \$16,559.

Fall tennis program registration has opened and will start in September. The expected program participation for the remainder of 2021 is expected to result in excess of \$20,000 payment to OTA for tennis instruction.

BUDGET/STAFF IMPACT:

The expense for these tennis instruction programs will be completely recouped with registration fees and instruction service fees will be funded through the Parks and Recreation General Fund Budget.

Attachments:

2021-0197: Ozark Tennis Academy Agreement
Tennis Instruction Informal RFP

City of Fayetteville Staff Review Form

2021-0197

Legistar File ID

N/A

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Lee Farmer

3/11/2021

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of an agreement with Ozark Tennis Academy, LLC to administer tennis instruction programs.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



TO: Mayor Lionel Jordan

THRU: Connie Edmonston, Parks and Recreation Director
Susan Norton, Chief of Staff

FROM: Lee Farmer, Recreation Superintendent

DATE: March 11, 2021

SUBJECT: Agreement with Ozark Tennis Academy, LLC for Tennis Instruction Programs

RECOMMENDATION:

Staff recommends approval of an agreement with Ozark Tennis Academy, LLC to administer tennis instruction programs.

BACKGROUND:

OTA tennis programs are perfect for all ages and skill levels. The OTA Coaches work hard to ensure that everyone individually progresses in their skills and game through classes, group lessons, private lessons and camps.

Ozark Tennis Academy is designed to address the needs of everyone from the beginning tournament player to the future collegiate star. This comprehensive program is designed to give all of our players a chance to realize their potential – both on and off the court.

DISCUSSION:

Parks and Recreation will offer youth classes, group lessons, private lessons and camps in 2021. Youth Classes will be offered seasonally in ten week sessions on weekday evenings. OTA will also offer group and private lessons to players of all ages and skill levels. These lessons will be scheduled through Parks and Recreation facility reservation platform. OTA will also facilitate Tennis Camp as part of Parks and Recreation's Be Active Summer Camp Program. Parks and Recreation will register all the participants through registration software. Each month, Parks and Recreation will pay OTA 90% of the net revenue for administering all programs.

OTA has been successfully running tennis instruction programs in Bentonville for more than five years and seeing growth year after year. This program addition would be a great benefit to our Fayetteville citizens.

BUDGET/STAFF IMPACT:

The expense for these tennis instruction programs will be completely recouped with registration fees.

Attachments:

Agreement with Ozark Tennis Academy, LLC for Tennis Instruction Programs

Ozark Tennis Academy Agreement with City of Fayetteville

The City of Fayetteville (City) and the Ozark Tennis Academy, LLC (OTA) hereby enter into this Agreement concerning the Fayetteville Tennis Program. This Agreement is subject to the following conditions:

1. OTA shall utilize Wilson Park Tennis Complex for programming, league play and tournaments at times preapproved by the City's Parks and Recreation Department. Such usage shall not be construed as a right of exclusive use. OTA shall not assign right of use to any other individual or organization without the approval of City.
2. The initial term of this contract shall be from March 1, 2021- December 31, 2021.
3. OTA is responsible for providing coaches for all lessons, classes, etc. and maintaining the desired instructor to participant ratio. Any and all possible conflicts or interruptions should be communicated to City immediately.
4. OTA is required to provide a seasonal schedule to City for group lessons, programs and tournaments. This schedule should include exactly which courts will be in use for each calendar day of the season. Any changes made to the schedule must be submitted to Parks and Recreation 24 hours in advance.
5. OTA shall designate one contact person that communicates schedules and court maintenance needs to the City. OTA will contact Dean Rawlings (479.444.3474) for needs or questions directed to City Parks and Recreation. If there are concerns or suggestions concerning the tennis program or facility including problems affecting play or the safety of participants, OTA shall notify City staff immediately.
6. OTA's agents, employees, and instructors will act professionally while instructing tennis programs and arrive properly dressed in approved tennis shirts. OTA's agents, employees, and instructors will show respect for players, coaches, spectators, general public, and City staff by being courteous and considerate without sacrificing fairness. Disputes will be handled calmly and respectfully with assistance from City.
7. It is the decision of OTA whether programming will continue when inclement weather affects the courts. OTA will inform the City in a timely manner of their decision, when possible, so that City staff may assist with informing program participants.
8. The City will administer all participant registration through its registration software and administer all promotion/marketing materials for tennis programs.

9. Consideration for this contract shall be City's payment to OTA of 90% of all gross revenue which shall be remitted no later than the 10th of each month. The payment will include a detailed report that includes participation numbers by category, gross revenue received, and amount owed to OTA.
10. OTA shall be responsible for carrying its own general liability insurance covering those involved with the program, including administration, coaches, participants, spectators and any other personnel utilized in the organization and running practices, meets, tournaments and other special events. A current copy of OTA's liability insurance certificate shall be filed at the City's Parks and Recreation Department office.
11. OTA is responsible for completing background checks on all coaches and administration of the program on an annual basis. Background checks apply to all staff over 18 years of age.
12. Not an Agent. It is understood that OTA is not acting as an agent for the City and the City's sovereign immunity does not extend to OTA's acts or omission. OTA agrees to indemnify, defend, and hold harmless the City of Fayetteville from claims and damages as a direct or indirect result of OTA's use of the sites/facilities. No word, clause, phrase or paragraph shall be construed to waive that tort immunity as set forth under Arkansas law.
13. This agreement may be terminated by either party with 60-day written notification by the City or OTA. The City reserves the right and maintains sole discretion over the decision to cancel or postpone any programs, events, or tournaments held in/on City Parks property at any time due to Covid-19.


IN WITNESS WHEREOF, this Agreement has been duly executed by the Parties as of the day and year first written above.

CITY OF FAYETTEVILLE, ARKANSAS

Lioneld Jordan, Mayor

Kara Paxton, City Clerk-Treasurer

Ozark Tennis Academy, LLC



Christy Ward, Owner

P.O. Box 918 Bentonville, AR 72712
Address

479-659-2483
Phone Number

Tennis Program Services

Specifications

Secure the services of a recreation tennis facilitator (CONTRACTOR), certified by the United States Tennis Association with the necessary expertise, skill, and capabilities to serve as the Fayetteville Recreational Tennis Facilitator and Instructor for Fayetteville Parks and Recreation. Deadline to submit Proposal is Sunday, November 1, 2020.

Questions

Any questions you may have regarding this project can be sent via email to drawings@fayetteville-ar.gov. The last day to submit question will be Monday, October 26,2020. Questions received after the stated date and time will not be addressed.

Fayetteville Tennis Program Description

The Fayetteville Tennis Program will serve the community in a variety of ways including, but not limited to, youth group lessons, junior tennis league, private lessons and more. The structure and schedule will be determined by the winning bidder and Fayetteville Parks and Recreation. The day and time of these sessions are TBD. The program will operate out of Wilson Park Tennis Courts.

Desired Tennis Coach Requirements

- Certified USTA Tennis Coach who is passionate about instructing young players.
- Extensive tennis instruction experience with curriculum for beginners and developing players of various age levels through private and group lessons
- Network of qualified tennis coach team for 20-30 players per session.
- Ability to schedule, coordinate and organize matches for the Junior Team Tennis level.
- Strong communication skills and ability to manage Parks' online registration software to communicate with players and their guardians.

Scope of Services Proposed

Clearly describe the scope of services proposed. Include details of your approach and work plans and techniques.

Qualifications

This section of the Proposal should give a description of the organization/tennis coach. Emphasis should be given as to how the organization/tennis coach experience and expertise will be brought to the Fayetteville Tennis Program.

Resumes should be provided, with emphasis being given to their experience with similar work. If resumes are not available at the time the proposal is submitted, you should provide a listing of the qualifications, including education, experience, etc., that will be required.

Price Proposal

Submit your compensation proposal in the form of fee per registration or percent of registration revenue.

SELECTION CRITERIA: The following criteria will be used by the City to evaluate and score responsive proposals. Proposers shall include sufficient information to allow the City to thoroughly evaluate and score the proposal. City of Fayetteville reserves the right to accept a proposal, as submitted, and enter directly into a contractual agreement with a selected Proposer. Each proposal submitted is not required to be ranked by the City; however, all proposals will be evaluated. The contract may be awarded to the most qualified firm for each process or strategy, per the evaluation criteria listed below, based on the evaluation of the City. Following the evaluation of the proposals, the City may request that the top-ranking firm(s) make an oral presentation, be interviewed or submit best and final offers. If presentations are necessary, they will take place in Fayetteville, Arkansas. Notices will be sent by the Parks and Recreation Staff.

- 30% - Qualifications in Relation to Specific Project to be Performed: Information reflecting qualifications of the firm. Indicated specialized experience and technical competence of the firm in connection with the type and complexity of the service required. Subcontractors, if used, must be listed with RFP response.
- 25% - Experience, Competence, and Capacity for Performance: Including information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project.
- 20% - Proposed Method of Doing Work: A proposed work plan (description of how the project would be conducted as well as other facts concerning approach to scope you wish to present) indicating methods and schedules for accomplishing scope of work. Include with this the amount of work presently underway.
- 15% - Past Performance: Previous evaluations shall be considered a significant factor. If previous evaluations with the City are not available, the professional firm's past performance records with other governmental agencies, and others will be used, including quality of work, timely performance, diligence, and any other pertinent information. Firm shall provide a list of similar jobs performed and person whom the City can contact for information.
- 10% - Cost and Fees: Proposer shall provide a total listing of any fee the City could be charged. A fee shall be included for the presented scope of work as well as any other additional fee. All fees shall be clearly identified with RFP response and be itemized as much as possible.