



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. 224-2013

LETTER TO COMMISSION

TO: Mayor Matti H. Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 2, 2012

SUBJECT: Ovations Food Service

This Letter to the Commission (LTC) is to transmit to you the attached letter from Ovations Food Service regarding the City's Invitation to Negotiate (ITN) for Food and Beverage services for the Miami Beach Convention Center. The letter informs the City that Ovations will no longer seek to contest the City's decision pertaining to the food and beverage agreement.

Please feel free to contact me with any questions.


JLM/KGB/MAS

C: Jose Smith, City Attorney
Kathie G. Brooks, Assistant City Manager
Raul Aguila, Chief Deputy City Attorney
Max A. Sklar, Tourism, Culture and Economic Development Director

F:\INFO\ALL\Max\TCD\LTC\Ovations ITN Letter LTC.docx

RECEIVED
2013 JUL -3 AM 9:45
CITY CLERK'S OFFICE



3601 South Broad Street • Philadelphia, PA 19148-5290 • p 215.952.5217 • f 215.389.9579
pweinberg@comcast-spectacor.com

PHILIP I. WEINBERG
Executive Vice President
General Counsel

June 26, 2013

VIA EMAIL AND OVERNIGHT DELIVERY

Jimmy L. Morales
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

RE: Ovation Food Services, L.P. – ITN No. 2013ME

Dear Mr. Morales:

As you know, I am General Counsel to Comcast-Spectacor, L. P. and its various partially and wholly owned subsidiaries including Global Spectrum L.P., the contract manager of the Miami Beach Convention Center and Ovation Food Services, L.P., an unsuccessful responder with respect to the above-referenced ITN. I have previously written you expressing our concern with respect to the manner in which a non-binding opinion of the Miami- Dade Ethics Commission (addressing whether the mere fact that Comcast-Spectacor has an ownership interest in both Ovation and Global Spectrum) became the basis to eliminate Ovation from further consideration as a food and beverage provider at the Miami Beach Convention Center.

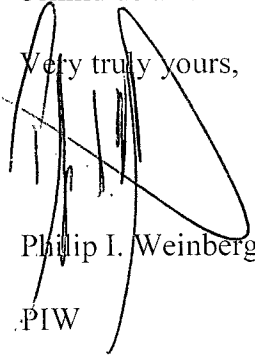
I now write at the request of Peter Luukko, Comcast-Spectacor's President and Chief Operating Officer, to inform you that we have conclusively determined not to pursue any protest or other judicial action seeking to set aside or otherwise contest the City of Miami Beach's decision to award a contract under the above referenced ITN to a responder other than Ovation. To reiterate what Peter has directly expressed to you, it is simply not our desire to litigate an issue such as the one involving the Convention Center ITN with a valued customer and business partner, no matter how disappointed we are with the determination that was made. That said and in the interests of full disclosure, I do want to inform you that Comcast-Spectacor has retained counsel to ask the Miami- Dade Ethics Commission to review and reconsider its previous opinion involving Comcast Spectacor and Ovation. As you know, we consider that opinion to be based upon an incomplete and unclear record, to be poorly-reasoned and as having the potential to wrongfully and unfairly impact our ability to carry on our business in other locations. For all of the reasons that Ovation disqualification was unfair to Ovation, public entities like

Jimmy L. Morales
City of Miami Beach
June 26, 2013

Page 2

better articulated record with respect to what constitutes an impermissible conflict of interest in the public procurement area. However, whether or not you are able to weigh in on that issue, we do want to again assure you that the Convention Center food and beverage contract award is behind us and we look forward to serving the City of Miami Beach for many years to come.

Very truly yours,



Philip I. Weinberg

PIW