

Delray to discuss validity of city's contract with tennis center operator



Marisa Gottesman Sun Sentinel

Delray Beach to discuss possibility challenging legality of city's contract with Match Point

Delray Beach may serve the operators of the city's Tennis Center with a deep shot that may possibly save the city some money.

Currently, the city has a contract with Delray Beach-based company Match Point to run the city-owned tennis stadium, at 201 W. Atlantic Ave., through 2030.

But commissioners on Tuesday will consider challenging the legality of the city's contract with Match Point, using a legal opinion from an outside law firm that determined the city broke its rules when it initially entered into the contract in October 2005.

The city's rules state that the city must send any contract that costs more than \$15,000 out for a competitive bid.

The legal opinion states the city's contract with Match Point binds the city to pay the company more than \$1 million annually. But the legal opinion says when the contract was awarded, the city did not follow its rules to solicit competitive bids.

Several commissioners asked the city's legal department to look into the contract because of how much the agreement costs the city annually.

The contract also has built-in annual increases that the city must pay the operators. The city also is responsible for all costs related to maintaining the facility.

Match Point is responsible for bringing major professional tennis tournaments to the city.

The 11-page legal analysis into the contract was done by the Fort Lauderdale-based law firm of Weiss, Serota, Helfman, Cole and Bierman, which also helped determine a prior contract between the city and Waste Management could be voided in 2013 because the city's procurement rules were violated. In the Tennis Center case, the legal opinion states the city has two options to challenge the validity of the agreement.

Commissioners can ask the courts to determine whether the agreement is void, like it did with Waste Management, or send a notice to Match Point stating the contract is void because the city didn't follow its rules to enter into a legal contract.

If the city lets the courts make a ruling, Match Point can be permitted to continue working under the current terms of the contract.

The opinion letter states if the city tells the company the contract is void, Match Point may file a lawsuit seeking damages from the termination of the contract. The city's legal department is recommending the city meet with Match Point officials to discuss possible resolutions that don't involve litigation before commissioners take any formal legal action.

Match Point tournament director Mark Baron said Monday he had no comment on the topic.

If commissioners decide to pursue legal action, the city's legal team recommends commissioners leave the decision of the validity of the contract up to the courts.

The contract will be discussed at 6 p.m. Tuesday in City Hall, 100 NW First Ave.