

Business Operations
Ofelia San Pedro, Deputy Superintendent

SUBJECT: AUTHORIZE LEGAL ACTION AGAINST ALL SEASONS SERVICES, INC. TO RECOVER MONEY DUE AND OWING ON CONTRACT NO. 078-AA03, VENDING-MACHINE SERVICE, ACCESS-FEE BASED

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

On April 25, 2002, All Seasons Services, Inc. acquired Great American Vending Company, one of the vendors awarded a portion of Bid No. 078-AA03 – Vending-Machine Service, Access-Fee Based. All Seasons Services, Inc. confirmed that all of the current obligations of Great American Vending Company, including the vending machine contract, would be assumed. Under the terms and conditions of the contract, vending machines were placed in twelve (12) senior high schools, in return for a quarterly access fee, to be paid to the District.

The original bid was awarded by the Board on February 14, 2001. The contract was extended on April 1, 2003, and April 1, 2004. All Seasons Services, Inc. has not paid any of the access fees due and owing the District, from January 2004, through June 2004, as well as the balance of \$6,275 from the previous quarter. The total amount due under the terms of the contract is \$94,254.50.

All Seasons Services, Inc. removed their vending machines from the senior high schools in July and August 2004. Three demands for payment were made: July 28, 2004, August 19, 2004, and November 3, 2004. Proof of delivery was obtained for each mailing. Standard default language was also included in the letters, advising that failure to remit the contractual access fee would result in a recommendation of default by the Board.

All Seasons Services, Inc. has not responded to any communication from staff demanding payment. This recommendation is for the Board to declare All Seasons Services, Inc. in default of Contract No. 078-AA03, and to authorize the Board Attorney to initiate legal action against All Seasons Services, Inc. to recover money due and owing the District.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

1. **DECLARE** All Seasons Services, Inc. in default of Contract No. 078-AA03 and remove All Seasons Services, Inc. from the vendors' list for a period of fourteen (14) months; and
2. **AUTHORIZE** the Board Attorney to initiate legal action against All Seasons Services, Inc. to recover money due and owing the District.

OSP/lja