

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139,  
[www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Honorable Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 18, 2020

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT, DATED NOVEMBER 7, 2017, BETWEEN THE CITY AND ARTISTIC HOLIDAY DESIGNS, LLC; SAID AMENDMENT EXPANDING THE SCOPE OF THE AGREEMENT FOR FY 2019-2020 BY: (1) RETROACTIVELY APPROVING ADDITIONAL LIGHTING AND DECOR SERVICES FOR THE SUPER BOWL LIV EVENT, IN THE AMOUNT OF \$71,772.00; AND (2) RETROACTIVELY APPROVING THE MAINTENANCE SERVICE OF SAID INSTALLATION UNTIL APRIL 1, 2020, IN THE AMOUNT OF \$39,160.00, INCREASING THE CONTRACT SUM FROM \$756,325.51 TO AN AMOUNT NOT TO EXCEED \$867,257.51; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE FINAL AMENDMENT.**

### RECOMMENDATION

The Administration recommends adopting the Resolution.

### BACKGROUND

On November 7, 2017, the Mayor and City Clerk executed a Professional Services Agreement (the Agreement) with Artistic Holiday Designs, LLC (the Consultant) for a term of three (3) years to design, furnish, install, maintain, remove and store holiday lighting and decorations Citywide.

On October 17, 2018, the Mayor and City Commission adopted Resolution No. 2018-30537, approving Amendment No. 1 to the Agreement, increasing the scope to include additional facilities and locations enhanced by holiday décor and lighting for FY 2018-2019 (year two). In response to the Neighborhood/Community Affairs Committee (NCAC) and City stakeholders' requests, the Property Management Department presented renderings to the Committee that incorporated, alternate lighting options, relocation of prior installations to new areas and additional locations to further augment and beautify the City with holiday decorations. Consequently, on April 24, 2019, the Neighborhood/Community Affairs Committee passed a motion, recommending in favor of including in the budget for FY 2019-2020, an enhancement to the current service level.

Consequently, on May 8, 2019, Resolution No. 2019-30816 was adopted, approving Amendment No. 2 to the Agreement, and memorializing the enhancements recommended by NCAC for FY 2019-2020, thereby increasing the total contract sum to a not to exceed amount of \$675,440.38.

Thereafter, on January 15, 2020, the Mayor and City Commission adopted Resolution No. 2020-31123, approving Amendment No. 3 to the Agreement, said amendment expanded the scope of the Agreement by 1) retroactively approving the permanent lighting along the 41<sup>st</sup> Street corridor, in the amount of \$17,950.00; 2) retroactively approving enhanced holiday lighting services for additional sites, which incorporated the areas of Ocean Drive, Anchor Garage and Normandy Fountain, in the amount of \$30,280.23; and 3) approving additional lighting and décor services for the Super Bowl LIV special event, in the amount of \$32,655.00 thereby increasing the total contract sum to a not to exceed amount of \$756,325.51 for FY 2019-2020.

### **ANALYSIS**

In January 2020, upon the installation of the décor for the Super Bowl LIV special event, the City Manager recommended supplementing the lighting services to additional areas. The scope incorporated additional trees within Lummus Park, in the total amount of \$71,772.00, funded from previously appropriated funds for this project, and more particularly described in Schedule B-3 to the proposed Amendment No. 4, attached hereto.

Currently, the City Manager is recommending maintenance services for the Super Bowl LIV decorations and lighting, in the amount of \$39,160.00 and more particularly described in Schedule B-3 to the proposed Amendment No. 4, attached hereto.

Pursuant to Section 49 of the Agreement, additional locations and services may be added for special events, holidays or for other location. Accordingly, an amendment is necessary in order to incorporate the additional lighting and maintenance of Super Bowl LIV special event for FY 2019-2020 in the total amount of \$110,932.00, increasing the contract sum in the not to exceed amount of \$867,257.51.

### **CONCLUSION:**

The Administration recommends approving, in substantial form, Amendment No. 4 to the Agreement; said amendment memorializing the additional enhanced services for fiscal year 2019-2020; and further authorize the City Manager and City Clerk to execute the final amendment.

### **ATTACHMENTS**

Attachment A – Resolution with Amendment No. 4 to the Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT, DATED NOVEMBER 7, 2017, BETWEEN THE CITY AND ARTISTIC HOLIDAY DESIGNS, LLC; SAID AMENDMENT EXPANDING THE SCOPE OF THE AGREEMENT FOR FY 2019-2020 BY: (1) RETROACTIVELY APPROVING ADDITIONAL LIGHTING AND DECOR SERVICES FOR THE SUPER BOWL LIV EVENT, IN THE AMOUNT OF \$71,772.00; AND (2) RETROACTIVELY APPROVING THE MAINTENANCE SERVICE OF SAID INSTALLATION UNTIL APRIL 1, 2020, IN THE AMOUNT OF \$39,160.00, INCREASING THE CONTRACT SUM FROM \$756,325.51 TO AN AMOUNT NOT TO EXCEED \$867,257.51; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE FINAL AMENDMENT.**

**WHEREAS**, on July 26, 2017, the Mayor and City Commission approved the award of Request for Proposals (RFP) No. 2017-077-JC for design, furnish, install, maintain, remove and store holiday lighting and decorations, City-wide (the RFP) to Artistic Holiday Designs, LLC ("Consultant") in an estimated annual amount of \$394,917.38, and

**WHEREAS**, on November 7, 2017, the City and Consultant executed a Professional Services Agreement, which incorporated the RFP and Consultant's bid, for an initial term of three (3) years, with two (2), one (1) year renewal options, at the City's discretion (the "Agreement"); and

**WHEREAS**, on December 1, 2017, pursuant to Section 4.2 of the Agreement, the City and the Consultant executed a Consultant Service Order, increasing the scope of the Agreement to incorporate the additional lighting of 41<sup>st</sup> Street, in the total amount of \$40,522.90, increasing the total annual contract amount to \$435,440.28; and

**WHEREAS**, on October 17, 2018, the Mayor and City Commission adopted Resolution No. 2018-30537, approving Amendment No. 1 to the Agreement, increasing the scope of the Agreement to include additional facilities and locations that will be enhanced by holiday décor and lighting for FY 2018-2019, in the additional amount of \$100,000.00, and referencing a not to exceed contract amount of \$494,917.38, instead of \$535,440.28; and

**WHEREAS**, on May 8, 2019, the Mayor and City Commission adopted Resolution No. 2019-30816 accepting the recommendation of the Neighborhood/Community Affairs Committee (NCAC) and approving Amendment No. 2 to the Agreement, increasing the total contract sum to a not to exceed amount of \$675,440.28 for FY 2019-2020; and

**WHEREAS**, on January 15, 2020, the Mayor and City Commission adopted Resolution No. 2020-31123, approving Amendment No. 3 to the Agreement; said amendment expanding the scope of the Agreement for FY 2019-2020 by: (1) retroactively approving the pilot program for permanent lighting along 41<sup>st</sup> Street, in the amount of \$17,950.00; (2) retroactively approving

enhanced holiday lighting services for additional sites, in the amount of \$30,280.23; and (3) approving additional lighting and decor services for the Super Bowl LIV event, in the amount of \$32,655.00, increasing the total contract sum to a not to exceed amount of \$756,325.51 for FY 2019-2020; and

**WHEREAS**, the Super Bowl LIV event lighting services will be provided from January to April, 2020; and

**WHEREAS**, pursuant to Section 49 the Agreement, additional locations and services may be added for special events, holidays or for other location; and

**WHEREAS**, the City Manager recommended that supplementary lighting and décor be installed for Super Bowl LIV event, in the amount of \$71,772.00, with previously appropriated funds; and

**WHEREAS**, the City Manager further recommended that maintenance service be provided for said installation, in the amount of \$39,160.00, with previously appropriated funds; and

**WHEREAS**, the City Manager recommends the approval, in substantial form, of Amendment No. 4 to the Agreement, a copy of which is incorporated herein by reference and attached to this Resolution as Attachment "A", incorporating these additional services.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve, in substantial form, Amendment No. 4 to the Professional Services Agreement, dated November 7, 2017, between the City and Artistic Holiday Designs, LLC; said amendment expanding the scope of the Agreement for FY 2019-2020 by: (1) retroactively approving additional lighting and decor services for the Super Bowl LIV event, in the amount of \$71,772.00; and (2) approving the maintenance service of said installation in the amount of \$39,160.00, increasing the contract sum from \$756,325.51 to an amount not to exceed \$867,257.51; and further authorize the City Manager and City Clerk to execute the final amendment.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of March, 2020.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
City Attorney  
3-17-20  
\_\_\_\_\_  
Date

**AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
THE CITY OF MIAMI BEACH, FLORIDA  
AND  
ARTISTIC HOLIDAY DESIGNS, LLC**

This Amendment No. 4 (Amendment) to the Professional Services Agreement, dated November 7, 2017, by and between the **CITY OF MIAMI BEACH, FLORIDA** a municipal corporation organized and existing under the laws of the State of Florida, having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida 33139 (the "City"), and **ARTISTIC HOLIDAY DESIGNS, LLC**, whose address is 2030 Parkes Drive, Broadview, IL 60155 ("Consultant"), is entered into this \_\_\_\_\_ day of March 2020.

**RECITALS**

**WHEREAS**, on July 26, 2017, the Mayor and City Commission adopted Resolution No. 2017-29956, approving the award of Request for Proposals ("RFP") No. 2017-077-JC for design, furnish, install, maintain, remove and store holiday lighting and decorations, City-wide (the "RFP") to Artistic Holiday Designs, LLC ("Consultant") in an estimated annual amount of \$394,917.38, and

**WHEREAS**, on November 7, 2017, the City and Consultant executed a Professional Services Agreement (the "Agreement"), which incorporated the RFP and Consultant's bid, for an initial term of three (3) years, with two (2), one (1) year renewal options, at the City's discretion; and

**WHEREAS**, pursuant to Section 49 the Agreement, additional locations and services may be added for special events, holidays or for other location; and

**WHEREAS**, on October 17, 2018, the Mayor and City Commission adopted Resolution No. 2018-30537, approving Amendment No. 1 to the Agreement, increasing the scope of the Agreement to include additional facilities and locations that will be enhanced by holiday décor and lighting, for FY 2018-2019, in the additional amount of \$100,000.00, and referencing a not to exceed contract amount of \$494,917.28, instead of \$535,440.28; and

**WHEREAS**, on May 8, 2019, the Mayor and City Commission adopted Resolution No. 2019-30816 accepting the recommendation of the Neighborhood/Community Affairs Committee (NCAC) and approving Amendment No. 2 to the Agreement, increasing the total contract sum to a not to exceed amount of \$675,440.28 for FY 2019-2020; and

**WHEREAS**, on January 15, 2020, the Mayor and City Commission adopted Resolution No. 2020-31123, approving Amendment No. 3 to the Agreement; said amendment 1) retroactively approving the permanent lighting along the 41<sup>st</sup> Street corridor; 2) approving the enhancement of holiday lighting to additional sites which incorporated the areas of Ocean Drive, Anchor Garage and Normandy Fountain; and 3) approving additional lighting for the Super Bowl LIV special event, thereby increasing the total contract sum to a not to exceed amount of \$756,325.51; and

**WHEREAS**, March 18, 2020, the Mayor and City Commission adopted Resolution No. \_\_\_\_\_ approving Amendment No. 4 to the Agreement; said amendment expanding

lighting and decor services for the Super Bowl LIV event, in the amount of \$71,772.00; and (2) approving the maintenance service of said installation until April 1, 2020, in the amount of \$39,160.00, increasing the contract sum from \$756,325.51 to \$867,257.51; and

**WHEREAS**, these Super Bowl LIV event lighting services will be provided from January, 2020 to April, 2020, as a one-time service, as more particularly described in Schedule "B-3" to Exhibit "A" of the Agreement.

**NOW THEREFORE**, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and Consultant hereby agree to amend the Agreement as follows:

**1. ABOVE RECITALS.**

The above recitals are true and correct and are incorporated as part of this Amendment.

**2. MODIFICATIONS.**

The Agreement is hereby modified (deleted items ~~struck through~~ and inserted items underlined) as follows:

- (a) Section 2.1 (C) of the Agreement is hereby deleted in its entirety and replaced with the following:

2.1

**C. ADDITIONAL SERVICES FOR 2019-2020 ("YEAR 3").**

During year 3 of the Agreement, the Services provided by Consultant are more particularly described in the proposals attached as composite Schedule "B-2" and Schedule "B-3" to Exhibit "A", for a total not to exceed contract sum of \$867,257.51.

- d) Section IV to Schedule "B" to Exhibit "A", entitled "Annual Cost to the City", is hereby deleted and replaced with the attached new Subsection IV.

**3. RATIFICATION.**

Except as amended herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect. In the event there is a conflict between the provisions of this Amendment and the Agreement, the provisions of this Amendment shall govern.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.**

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their appropriate officials, as of the date first entered above.

**FOR CITY:**

**CITY OF MIAMI BEACH, FLORIDA**

**ATTEST:**

By: \_\_\_\_\_  
**Rafael E. Granado, City Clerk**

\_\_\_\_\_  
**Jimmy L. Morales, City Manager**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**FOR CONSULTANT:**

**ARTISTIC HOLIDAY DESIGNS,  
LLC**

**ATTEST:**

By: \_\_\_\_\_  
**Secretary**

\_\_\_\_\_  
**President**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

SCHEDULE "B-3"  
(SUPER BOWL LIV EVENT EXTENDED TREE LIGHTING SERVICES (THROUGH APRIL 1, 2020))

# Artistic Holiday Designs

Artistic Holiday Designs, LLC  
202 Stephen Street  
Lemont, IL 60439

Invoice 1352

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**BILL TO**

City of Miami Beach  
Accounts Payable Division,  
Finance Department  
1700 Convention Center  
Drive, 3rd Floor  
Miami Beach, FL 33139

DATE  
02/24/2020

PLEASE PAY  
\$71,772.00

DUE DATE  
02/24/2020

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**ACTIVITY****QTY****RATE****AMOUNT**

**Super Bowl Trees**  
Add-on

1

71,772.00

71,772.00

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TOTAL DUE

**\$71,772.00**

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THANK YOU.

2/5/2020  
Extended Tree Lighting

CITY OF MIAMI BEACH • FLORIDA • USA

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**Ocean Drive - Tree lighting extended thru April 1, 2020**

*Miami Beach / Florida*

**Artistic**  
Holiday Designs



**Lummus - Tree lighting extended thru April 1, 2020**  
*Miami Beach / Florida*

*Artistic*  
Holiday Designs

| LOCATION      | DESCRIPTION                              | COSTS               |
|---------------|------------------------------------------|---------------------|
| Ocean Drive   | Extend Tree lighting until April 1, 2020 | \$ 39,160.00        |
| <b>TOTAL:</b> |                                          | <b>\$ 39,160.00</b> |

**Service Includes:**

- On site service technician
- 7 days a week, 24 hours a day. (Will work a maximum of 12 hours in a 24 hour cycle)
- Bucket truck on site and available for the service time
- Service dates February 7th through April 1st
- Removal dates April 2nd through April 10th
- Replacement light sets as needed
- Replacement power cord as needed
- Replacement power connections as needed