

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

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT, DATED MAY 28, 2019, BETWEEN THE CITY AND SFM SERVICES, INC (SFM) FOR JANITORIAL SERVICES CITYWIDE; SAID AMENDMENT EXPANDING THE SCOPE OF THE AGREEMENT BY: (1) RETROACTIVELY APPROVING A CITY MANAGER, APPROVAL FOR ADDITIONAL SERVICES, DATED MAY 10, 2019, IN THE AMOUNT OF \$68,688; (2) RETROACTIVELY APPROVING, EFFECTIVE JANUARY 5, 2020, THE TRANSFER OF JANITORIAL SERVICES FOR THE CITY GARAGES (ZONE 4) AND CITY PARKS (ZONE 6) FROM ABLE BUSINESS SERVICES, INC. (ORIGINAL PRIMARY CONTRACTOR FOR ZONES 4 AND 6) TO SFM, IN THE AMOUNT OF \$1,410,309.28 PER YEAR; (3) APPROVING ADDITIONAL SITES AND SERVICES, IN THE AMOUNT OF \$117,900.00 PER YEAR, CUMULATIVELY INCREASING THE CONTRACT AMOUNT TO A TOTAL OF \$2,649,186.03 PER YEAR, SUBJECT TO ANY ADDITIONS OR DELETIONS APPROVED BY THE CITY MANAGER OR HIS DESIGNEE AS AUTHORIZED HEREIN; AND (4) AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO REDUCE THE SERVICE LEVELS COVERED BY THE AGREEMENT; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL AMENDMENT.

**WHEREAS**, on July 26, 2017, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) No. 2017-070-JC for Janitorial Services, City-wide (the RFP); and

**WHEREAS**, on October 17, 2018, the Mayor and the City Commission adopted Resolution No. 2018-30535, accepting the recommendation of the City Manager, pursuant to RFP No. 2017-070-JC, to enter into simultaneous negotiations with Able Business Services, Inc., and SFM Services, Inc.; and further authorizing the City Manager to select a firm that will serve as the primary contractor, with the remaining firm to serve as the secondary contractor; and

**WHEREAS**, on May 16, 2019 the City Mayor and City Clerk executed a Professional Services Agreement with Able Business Services, Inc. (Able) to serve as the primary contractor for City garages (Zone 4) and City parks (Zone 6) and serving as the secondary contractor for Zones 2 and 3; and

**WHEREAS**, on May 28, 2019 the City Mayor and City Clerk executed a Professional Services Agreement (Agreement) with SFM Services, Inc. (SFM) to serve as the primary contractor for Zones 2 and 3 and serving as the secondary contractor for city garages (Zone 4) and city parks (Zone 6); and

**WHEREAS**, on September 30, 2019 the City terminated the Professional Services Agreement with Able Business Services, Inc.; and

**WHEREAS**, on October 1, 2019, SFM Services Inc., absorbed Zones 4 and 6, as secondary contractor; and

**WHEREAS**, on January 5, 2020, the janitorial services for the City garages (Zone 4) and City parks (Zone 6) were transferred from Able Business Services, Inc. to SFM Services Inc. as the primary contractor; and

**WHEREAS**, pursuant to Section 49 (ADDITIONAL SERVICES) of the RFP (Attachment B to the SFM Agreement), some locations were incorporated by the execution of a City Manager Approval, dated May 9, 2019; and

**WHEREAS**, in order to improve and maintain acceptable levels of cleanliness in the City, additional City facilities have been identified, to be added to the scope of the SFM Agreement pursuant to Section 49, requiring an increase to janitorial personnel, service days and hours; and

**WHEREAS**, the proposed Amendment No. 1 also authorizes the City Manager or his designee to temporarily or permanently delete existing sites and/or services at existing sites; and

**WHEREAS**, the City Manager recommends the approval, in substantial form, of Amendment No. 1 to the Agreement, a copy of which is incorporated herein by reference and attached to this Resolution as Attachment "A", subject to being finalized by the City Administration and review by the City Attorney.


**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. 1 to the Professional Services Agreement, dated May 28, 2019, between the City and SFM Services, Inc. (SFM) for Janitorial Services Citywide; said amendment: (1) retroactively approving a City Manager approval, dated May 10, 2019, in the amount of \$68,688; (2) retroactively approving, effective January 5, 2020, the transfer of janitorial services for the City garages (Zone 4) and City parks (Zone 6) from Able Business Services, Inc. (original primary contractor for Zones 4 and 6) to SFM, in the amount of \$1,410,309.28 per year; (3) approving additional sites and services, in the amount of \$117,900.00 per year, cumulatively increasing the contract amount to \$2,649,186.03 per year, subject to any additions or deletions approved by the City Manager or his designee as authorized herein; and (4) authorizing the City Manager or his designee to reduce the service levels covered by the Agreement; and further authorize the Mayor and City Clerk to execute the final amendment.

**PASSED AND ADOPTED** this 22<sup>nd</sup> day of April, 2020.

**ATTEST:**

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

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
City Attorney *[Signature]* 4-14-20  
Date

**AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICE AGREEMENT  
BETWEEN  
THE CITY OF MIAMI BEACH, FLORIDA  
AND  
SFM SERVICES, INC.**

This Amendment No. 1 (Amendment) to the Professional Services Agreement, dated May 28, 2019, 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 place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139 (the "City"), and **SFM SERVICES INC.**, a Florida for Profit Corporation, whose address is 9700 NW 79<sup>th</sup> Avenue, Hialeah Gardens, FL 33016 (the "Contractor"), is entered into this \_\_\_\_\_ day of April, 2020.

**RECITALS**

**WHEREAS**, on July 26, 2017, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) No. 2017-070-JC for Janitorial Services, City-wide (the RFP); and

**WHEREAS**, on October 17, 2018, the Mayor and the City Commission adopted Resolution No. 2018-30535, accepting the recommendation of the City Manager, pursuant to RFP No. 2017-070-JC for Janitorial Services, to enter into simultaneous negotiations with Able Business Services, Inc., and SFM Services, Inc.; and further authorizing the City Manager to select a firm that will serve as the primary contractor, with the remaining firm to serve as the secondary contractor; and

**WHEREAS**, on May 16, 2019 the City Mayor and City Clerk executed a Professional Services Agreement with Able Business Services, Inc. (Able) to serve as the primary contractor for City garages (Zone 4) and City parks (Zone 6) and serving as the secondary contractor for Zones 2 and 3; and

**WHEREAS**, on May 28, 2019 the City Mayor and City Clerk executed a Professional Services Agreement with SFM Services, Inc. (SFM) to serve as the primary contractor for Zones 2 and 3 and serving as the secondary contractor for City garages (Zone 4) and City parks (Zone 6); and

**WHEREAS**, on September 30, 2019 the City terminated the Professional Services Agreement with Able Business Services, Inc.; and

**WHEREAS**, on October 1, 2019, SFM Services Inc. absorbed Zones 4 and 6, as secondary contractor; and

**WHEREAS**, on January 5, 2020, the janitorial services for the City garages (Zone 4) and City parks (Zone 6) were transferred from Able Business Services, Inc. to SFM Services Inc. as the primary contractor; and

**WHEREAS**, in order to improve and maintain acceptable levels of cleanliness in the City, additional City facilities have been identified, to be added to the scope of the Agreement pursuant to Section 49, requiring an increase to janitorial personnel, service days and hours; and

**ATTACHMENT "A"**

**WHEREAS**, pursuant to Section 49 ADDITIONAL SERVICES, additional locations which were not part of the scope of the RFP were approved pursuant to a City Manager Approval dated May 9, 2019, in the amount of \$68,688.00; and

**WHEREAS**, on April 22, 2020 the Mayor and City Commission adopted Resolution No. \_\_\_\_\_ approving, in substantial form, Amendment No. 1 to the Agreement; said amendment expanding the scope of the Agreement by: (1) retroactively approving a City Manager approval for additional services, dated May 10, 2019, in the amount of \$68,688; (2) retroactively approving, effective January 5, 2020, the transfer of janitorial services for the City garages (Zone 4) and City parks (Zone 6) from Able Business Services, Inc. (original primary contractor for Zones 4 and 6) to Contractor, increasing the contract amount to \$2,531,286.03 per year per year; (3) approving additional sites and services, in the amount of \$117,900.00 per year, for a total contract amount of \$2,649,186.03 per year; and (4) clarifying that the City Manager may amend the Agreement, including the reduction of sites or services (including the number of personnel or hours of service) covered by 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 Contractor 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) The City Manager Approval is hereby retroactively approved as of the date of their execution; to wit: May 9, 2019, and incorporated herein by reference, as if more fully set forth herein, and attached hereto as Exhibit "1".
- (b) Exhibit "B" (Pricing Schedule) to the Agreement is hereby deleted in its entirety and replaced with the attached Exhibit "B" as of January 5, 2020.
- (c) Exhibit "C" (Location Staffing Hours) is hereby deleted in its entirety and replaced with the attached, effective \_\_\_\_\_.
- (d) Section 49 "ADDITIONAL SERVICES" of Section 0200 "INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS", of the RFP (Attachment B to the Agreement) is hereby deleted in its entirety and replaced, as follows:

**49. ADDITIONAL SERVICES**

- **ADDITION OF SITES AND/OR SERVICES BY THE CITY:** The City Manager may request additional goods, services or facilities ("items") ("Additional Services"). Any proposals for Additional Services must be approved by the City Manager, in writing, prior to being implemented, and memorialized by an amendment to the Agreement, executed by the City Manager and Consultant. The total amount of the Additional

Services may not exceed \$100,000, or such greater amount as may be approved by the City Commission for each contract year.

- **DELETION OF SITES AND/OR REDUCTION OF SERVICES BY THE CITY:** The City Manager reserves the right to temporarily or permanently delete existing sites and/or services (including number of personnel or hours of service) at existing sites (collectively, "Reduction of Services"). The payment adjustment in connection with a Reduction of Services shall be calculated based on the per service rate set forth in the Cost Proposal, or the proration of said rate, as applicable. The City's Project Manager shall initiate any requests for a Reduction of Services, in writing, to the Contractor no later than 10 days before effectiveness, with a copy to the Procurement Director. The Reduction of Services shall be memorialized in writing, pursuant to an e-mail sent to Contractor.

**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**

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

\_\_\_\_\_  
Date

**FOR CONTRACTOR:**

**SFM SERVICES, INC.**

**ATTEST:**

By:

\_\_\_\_\_  
**Secretary**

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Exhibit "1"**

**CITY MANAGER APPROVALS**