

**AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
THE CITY OF MIAMI BEACH, FLORIDA  
AND  
ARTISTIC HOLIDAY DESIGNS, LLC**

This Amendment No. 5 (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 September 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. 2020-31207 approving Amendment No. 4 to the Agreement; 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 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**, on July 30, 2020 the Agreement was renewed for one (1) year through November 6, 2021 for a total contract sum in the amount of \$312,921 for FY 2020-2021.

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

**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 2020-2021 ("YEAR 4").**

During year 4 of the Agreement, the Services provided by Consultant are more particularly described in the proposals attached as composite Schedule "B-2" to Exhibit "A", for a total not to exceed contract sum of \$496,762.

- 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))

DRAFT