

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT, DATED NOVEMBER 7, 2017, BETWEEN THE CITY AND ARTISTIC HOLIDAY DESIGNS, LLC; SAID AMENDMENT APPROVING A ONE-TIME FEE, IN THE AMOUNT OF \$183,841, TO REFURBISH THE CITY'S HOLIDAY LIGHTING AND DECOR THAT HAS EXCEEDED ITS USEFUL LIFE; 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 additional lighting along 41st 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, to enhance the 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 41st 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 an amount not to exceed \$756,325.51 for FY 2019-2020; and

WHEREAS, on 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 the additional lighting and décor 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 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 for FY 2019-2020; and

WHEREAS, the term of the Agreement provides two (2), one (1) year renewal options, to be exercised at the City Manager's sole option and discretion; and

WHEREAS, on July 30, 2020, the Agreement was renewed for one (1) year, through November 6, 2021 for the fourth year of the Agreement; and

WHEREAS, the Agreement is structured as a rent to own, with a \$1.00 buy-out at the end of year three (3) of the Agreement, plus labor for \$312,920, for a total cost of \$312,921 for year four (4) (FY 2020-2021); and

WHEREAS, the City Manager recommends approving the one-time fee of \$183,841, to refurbish and/or replace the City's holiday lighting and décor, to be expended during the 2020-2021 fiscal year from previously appropriated funds; and

WHEREAS, the City Manager recommends the approval, in substantial form, of Amendment No. 5 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. 5 to the Professional Services Agreement, dated November 7, 2017, between the City and Artistic Holiday Designs, LLC; said amendment approving a one-time fee, in the amount of \$183,841, to refurbish the City's holiday lighting and decor that has exceeded its useful life; and further authorize the City Manager and City Clerk to execute the final amendment.

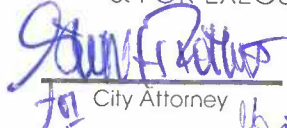
PASSED AND ADOPTED this 16th day of September 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

9/17/2020

Date

**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 41st 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, on September 16, 2020, the Mayor and City Commission adopted Resolution No. _____, approving, In substantial form, Amendment No. 5, approving a one-time fee, in the amount of \$183,841, to refurbish the City's holiday lighting and decor that has exceeded its useful life.

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:

The City and Consultant hereby approve the refurbishment and replacement of the City's holiday lighting inventory, at a cost of \$183,841, pursuant to the breakdown incorporated herein by reference and attached to the Agreement as Schedule "B-4" to Exhibit "A", to be expended during Year four (4) of the Agreement.

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-4"
YEAR 4 REFURBISHMENT AND REPLACEMENT OF HOLIDAY LIGHTING AND DECOR

Contract number and discription	product per year	Total product (over 3 year contracts)	labor per year	total	Refurbishment/replacement	year to refurbish
1st original contract	\$223,157.78	\$669,473.34	\$171,759.60	\$394,917.36	\$167,368.34	2019/2020
2nd addon contract (41st st. addon)	\$21,962.90	\$65,888.70	\$18,560.00	\$40,522.90	\$16,472.16	2019/2020
2018 addon \$100k over 3 years	\$22,359.85	\$67,079.55	\$77,640.15	\$100,000.00	\$16,769.85	2021
2019 addon \$139k one time add	\$94,673.75	\$94,673.75	\$44,960.25	\$139,634.04	\$23,668.45	2022

	Labor	Product	Refurbishment	Total
2019 contract	\$312,920.00	\$382,154.32	\$0.00	\$675,074.32
2020 budget	\$312,920.00	\$0.00	\$183,840.51	\$496,760.51
2021 budget	\$312,920.00	\$0.00	\$16,769.85	\$329,689.89