

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7TH VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH PEPSICO AND RED BULL NORTH AMERICA, FOR AN EXCLUSIVE NON-ALCOHOLIC BEVERAGE MUNICIPAL MARKETING PARTNERSHIP FOR VENDING AND DISPENSING IN CERTAIN CITY-OWNED PROPERTIES, BASED UPON THE ESSENTIAL TERMS SET FORTH IN THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, FOR A TERM OF TEN (10) YEARS AND FIVE (5) YEARS, RESPECTIVELY; PROVIDED THAT THE FINAL AGREEMENT SHALL BE SUBJECT TO APPROVAL BY THE CITY COMMISSION.

WHEREAS, the City's municipal sponsorship agency, Global Spectrum L.P. ("Spectra Partnerships"), worked with City staff to identify priorities for their initial efforts in securing municipal marketing partners, and identified non-alcoholic beverage partnerships as a target category, and;

WHEREAS, Spectra Partnerships initiated a selection process to identify and recommend an exclusive /official non-alcoholic beverage partner for the City, with the goal of identifying a partner that would be interested in a brand affiliation relationship with the City, and providing a marketing benefit to both parties, as well as revenue generation for the City; and

WHEREAS, Spectra Partnerships initiated a process that involved the initial identification of potential respondents; an invitation for those companies to submit proposals; the selection of the best two potential partnership offers for the submission of a "best and final" offer; and the recommendation of a final offer for the City to consider; and

WHEREAS, Spectra Partnerships invited three proposers to submit "best and final" offers and, subsequent to their submission and presentation, recommends to the City the selection of PepsiCo (Pepsi) and Red Bull North America (Red Bull) as the City's exclusive non-alcoholic beverage sponsors, based on their proposals attached as Exhibit "A" to the City Commission Memorandum accompanying this Resolution (the "Proposals"); and

WHEREAS, Spectra Partnerships analyzed the Proposals and advised City staff that an agreement with Pepsi and Red Bull would provide a financial and marketing benefit of more than \$6,010,000 to the City over the proposed term of the partnership (cash and non - cash value); and

WHEREAS, based upon the foregoing, the City Manager recommends waiving, by 5/7th vote, the formal competitive bidding requirement, as permitted in Section 2-367(e) of the City Code, and authorizing the City Administration to negotiate an agreement with Pepsi for a term of ten (10) years, and an agreement with Red Bull for a term of five (5) years, based upon the essential terms set forth in the City Commission Memorandum accompanying this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby waive, by 5/7th vote, the formal competitive bidding requirement, finding such waiver to be in the best interest of the City, and authorize the City Manager to negotiate an agreement with PepsiCo and Red Bull North America, for an exclusive non-alcoholic beverage municipal marketing partnership for vending and dispensing in certain city-owned properties, based upon the essential terms set forth in the City Commission Memorandum accompanying this Resolution, for a term of ten (10) years and five (5) years, respectively; provided that the final agreement shall be subject to approval by the City Commission.

PASSED and ADOPTED this 17th day of September 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Nick Kellogg 9/9/2021
for City Attorney Date