

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 11 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND BEEFREE, LLC. (D/B/A FREEBEE) FOR THE CITY OF MIAMI BEACH ON-DEMAND TRANSIT SERVICE; SAID AMENDMENT EXTENDING SERVICES FOR ELDERLY RESIDENTS THROUGH SEPTEMBER 30, 2022.

WHEREAS, on May 29, 2019, the City and Beefree, LLC d/b/a Freebee ("Freebee") executed a Professional Services Agreement ("Agreement") for the City of Miami Beach On-Demand Transit Service Pilot Program in Middle Beach; and

WHEREAS, on September 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-30997, authorizing the City Manager to negotiate Amendment No. 1 to the Agreement, extending the pilot program through October 31, 2019, adding two more vehicles in service, and permitting advertisement on the vehicles to offset some of the operating costs to the City; and

WHEREAS, on October 16, 2019, the Mayor and City Commission adopted Resolution No. 2019-31057, unanimously approving the extension of the pilot program for two additional months, through December 31, 2019; and

WHEREAS, Amendment No. 1 to the Agreement was executed on November 8, 2019, incorporating the foregoing modifications to the scope of the Agreement and extending the pilot program to December 31, 2019; and

WHEREAS, on December 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-31110, waiving, by 5/7th vote, the formal competitive bidding requirement in Section 2-367(e) of the City Code, and approving an extension of the term of the Agreement for an additional three (3) years, commencing on January 1, 2020 and expiring on December 31, 2022; and

WHEREAS, Amendment No. 2 to the Agreement was executed on February 24, 2020; and

WHEREAS, as a result of the COVID-19 pandemic and various State, County and City emergency orders, on March 23, 2020, via a Letter Agreement, the City partially suspended the on-demand transportation services ("Services") under the Agreement by modifying the scope of Services to provide Services for the elderly ("Amendment No. 3"); and

WHEREAS, based upon the emergency orders in effect at the time, on April 1, 2020, via a Letter Agreement, the City suspended all Services under the Agreement ("Amendment No. 4"); and

WHEREAS, on November 16, 2020, via Letter Agreement, the City modified the Agreement ("Amendment No. 5"), to repurpose the Middle Beach Services to provide essential mobility services for elderly residents living in affordable housing facilities throughout the City and the closest Publix supermarket or pharmacy; and

WHEREAS, the Services for elderly residents were provided 7 days a week from 7:00 AM to 5:30 PM and, pursuant to City Commission direction, were to operate in that manner through December 30, 2020; and

WHEREAS, on December 30, 2020, via a Letter Agreement, the City extended the period of Services for the elderly residents for a limited period of time, through January 20, 2021 (“Amendment No. 6”); and

WHEREAS, on January 19, 2021, the City, via a Letter Agreement, extended the Services under the Agreement through September 30, 2021 (Amendment No. 7); and

WHEREAS, on May 26, 2021, the Mayor and City Commission adopted Resolution No. 2021-31721, approving and authorizing the City Manager to execute Amendment No. 8 to the Agreement; said amendment approving additional services: (1) during Memorial Weekend, 2021, in the approximate amount of \$4,000; and (2) along the Collins Avenue corridor, from 23rd Street to 44th Street, as a temporary traffic mitigation strategy during the construction of the Indian Creek Drive flood mitigation project, through September 30, 2021, in the initial approximate amount of \$61,000, subject to extension and/or modification by the City Manager, as needed; and further authorizing the City Manager to approve future additional services, subject to funding availability and provided that the cost does not exceed the City Manager’s authority under the City code; and

WHEREAS, Amendment No. 8 was executed on May 28, 2021; and

WHEREAS, while the Services for elderly residents living in affordable housing facilities throughout the City were to be discontinued on September 30, 2021, given the state of the pandemic, service for elderly was extended via Amendment No. 9 to the Agreement through November 30, 2021, under the City Manager’s authority; and

WHEREAS, Amendment No. 9, executed on October 1, 2021 also updated in the scope of services for the Agreement to reflect use of the two vehicles, instead of three, based upon an analysis conducted by staff, which determined that two vehicles would be sufficient to accommodate the ridership demand, resulting in a more cost-effective service; and

WHEREAS, on October 27, 2021, the Mayor and City Commission adopted Resolution No. 2021-31912, approving and authorizing the City Manager to execute Amendment No. 10 to the Professional Services Agreement between the City and Beefree, LLC d/b/a Freebee for the City of Miami Beach On-Demand Transit Service; said Amendment: (1) extending Services for the elderly through March 31, 2022; and (2) authorizing the City Manager to approve additional Services, as deemed necessary by the City Manager, subject to funding availability; and

WHEREAS, given the continuation of COVID-19 in our community, the Administration recommends extending Freebee service for elderly residents through September 30, 2022; and

WHEREAS, all other aspects of the Freebee service for elderly residents would remain the same going forward.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the City Manager to execute Amendment No. 11 to the Professional Services Agreement between the City and Beefree, LLC d/b/a Freebee for the City of Miami Beach On-Demand Transit Service; said Amendment extending Services for elderly residents through September 30, 2022.

PASSED and **ADOPTED** this 9th day of March 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *AMT*

3-3-22
Date