RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE WRITTEN RECOMMENDATION OF THE CITY MANAGER AND WAIVING, BY 5/7TH VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND APPROVING AND AUTHORIZING THE CITY MANAGER TO PURCHASE, ON A MONTH TO MONTH BASIS, THE CABLE SERVICES PROVIDED BY COGECO US (MIAMI), LLC D/B/A BREEZELINE ("BREEZELINE") F/K/A ATLANTIC BROADBAND (MIAMI), LLC FOR CITY DEPARTMENTS, COMMENCING RETROACTIVELY AS OF OCTOBER 1, 2021, AND CONTINUING FOR A PERIOD NOT TO EXCEED APRIL 30, 2023 OR UNTIL SUCH TIME AS A NEW CONTRACT FOR CABLE SERVICES MAY BE IMPLEMENTED, WHICHEVER OCCURS FIRST.

WHEREAS, On January 10, 2001, the Mayor and City Commission adopted Ordinance No. 2001-3289, providing for the issuance and regulation on cable television franchises for, and the installation, construction, and operation of, cable television systems within the City of Miami Beach (Cable Ordinance). The City Commission granted Interlink Communications Partners, LLC d/b/a Charter Communications, Inc. ("Charter") for a term of ten (10) years; and

WHEREAS, On September 22, 2003, the City received a Federal Communications Commission (FCC) Form 394 requesting that the City consent to the proposed transfer of the franchise agreement from Charter to Atlantic Broadband (Miami), LLC ("Atlantic"); and

WHEREAS, On January 14, 2004, the Mayor and City Commission adopted Resolution 2004- 25448, approving the proposed transfer of the franchise agreement from Charter to Atlantic Broadband (Miami), LLC ("Atlantic"); and

WHEREAS, On March 18, 2022, a name change was submitted through the Florida Secretary of State, Division of Corporations, changing Atlantic Broadband (Miami), LLC's name to Cogeco US (Miami), LLC, a Delaware limited liability company, d/b/a Breezeline ("Breezeline"); and

WHEREAS, Section 2-366 of the City Code establishes the formal bid threshold for the purchase of goods and services at $100,000.00; and

WHEREAS, Section 2-369 (Award of Contract) of the City Code establishes that the purchases of goods and services, that do not exceed the threshold amount of $100,000.00, may be awarded by the City Manager or his designee, to the lowest and best bidder; however, when the purchase amount exceeds the threshold amount, a formal competitive bidding process is required to secure such goods and services, and the City Commission would be required to award the contract to the lowest and best bidder, or may delegate to the City Manager the power to award such contract to the lowest and best bidder; and

WHEREAS, It has been recognized through Work Orders, and an audit of the spend to Atlantic Broadband over the past year that the Administration is not in compliance with the requirements of City Code of Ordinances Section 2-369, in that the total cumulative sums have exceeded the threshold amount and the Administration requires the approval of the City Commission to continue to purchase these cable services for the City Administration Departments; and

WHEREAS, the IT and Procurement Departments are currently working on establishing a contract for the provision of cable services citywide; and

WHEREAS, as set forth in the City Commission Memorandum accompanying this Resolution, and as required pursuant to Section 2-367(e) of the City Code, the City Manager recommends waiving, by 5/7th vote of the members of the City Commission, the formal competitive bidding requirement, as being in the best interest of the City; and approving the purchase of cable services provided by Breezeline, commencing retroactively as of October 1, 2021, for a period not to exceed April 30, 2023 or until such time as a new contract for cable services may be implemented, whichever occurs first, in order to avoid the interruption of cable services for the City Departments.

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 accept the written recommendation of the City Manager and waive, by 5/7th vote, the formal competitive bidding requirement, finding such waiver to be in the best interest of the City, and approve and authorize the City Manager to purchase, on a month to month basis, the cable services provided by Cogeco Us (Miami), LLC d/b/a Breezeline ("Breezeline") f/k/a Atlantic Broadband (Miami), LLC for City Departments, commencing retroactively as of October 1, 2021, and continuing for a period not to exceed April 30, 2023 or until such time as a new contract for cable services may be implemented, whichever occurs first.

PASSED and **ADOPTED** this _____ day of September, 2022.

_____
Dan Gelber, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney _____ 8-25-22 Date