RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2022-32186, THAT APPROVED AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT, DATED MAY 28, 2019, BETWEEN THE CITY AND SFM SERVICES, INC. FOR JANITORIAL SERVICES CITYWIDE, SAID AMENDMENT TO THE RESOLUTION CLARIFYING THAT THE EFFECTIVE DATE FOR THE APPROVAL OF THE ADDITIONAL SERVICES WAS RETROACTIVE TO THE BEGINNING OF THE FISCAL YEAR, OCTOBER 1, 2021, INSTEAD OF JUNE 22, 2022, WITH NO CHANGE TO THE TOTAL CONTRACT PRICE.

WHEREAS, on July 26, 2017, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) No. 2017-070-JC for Janitorial Services, City-wide (the RFP); and

WHEREAS, on October 18, 2018, the Mayor and the City Commission accepted the recommendation of the City Manager, pursuant to RFP No. 2017-070-JC, to enter into simultaneous negotiations with Able Business Services, Inc. and SFM Services, Inc.; and further authorized the City Manager to select a firm that will serve as the primary contractor, with the remaining firm to serve as the secondary contractor; and

WHEREAS, on May 16, 2019, the City Mayor and City Clerk executed a Professional Services Agreement with Able Business Services, Inc. (Able) to serve as the primary contractor for City garages (Zone 4) and City parks (Zone 6) and serving as the secondary contractor for Zones 2 and 3; and

WHEREAS, on May 28, 2019, the City Mayor and City Clerk executed a Professional Services Agreement ("Agreement") with SFM Services, Inc. (SFM) to serve as the primary contractor for Zones 2 and 3 and serving as the secondary contractor for City garages (Zone 4) and City parks (Zone 6); and

WHEREAS, on September 30, 2019, the City terminated the Professional Services Agreement with Able Business Services, Inc.; and

WHEREAS, on April 22, 2020, the Mayor and City Commission adopted Resolution No. 2020-31227, approving Amendment No. 1 to the Agreement; said amendment (1) retroactively approving additional services in the amount of $68,688; (2) retroactively approving, effective January 5, 2020, the transfer of janitorial services for the City garages (Zone 4) and City parks (Zone 6) from Able Business Services, Inc. to SFM, in the amount of $1,410,309.28 per year, increasing the contract price to $2,531,286.03 per year; and (3) approving additional sites and services, in the amount of $117,900.00 per year, for a total contract price of $2,649,186.03 per year, subject to increases or decreases in the level of service, as authorized by Amendment No. 1; and

WHEREAS, on September 16, 2020, the Mayor and City Commission adopted Resolution No. 2020-31403, approving Amendment No. 2 to the Agreement; said amendment (1) approving, effective January 25, 2020, additional sites and services, in the amount of $146,381.00 per year, for a total contract price of $2,795,567.03 per year; (2) approving additional services in response to the COVID-19 pandemic, in the amount of $325,528.31, for fiscal year 2019-2020 only; and (3) memorializing the living wage increase, under the City's Living Wage Ordinance effective January 1, 2020; and

WHEREAS, on May 12, 2021, the Mayor and City Commission adopted Resolution No. 2021-31701, approving, Amendment No. 3 to the Agreement; said amendment (1) retroactively approving, effective October 1, 2020, additional janitorial services, in the amount of $111,599.84 per year; and (2) approving the addition of sweeping services for all City-owned surface parking lot, with a tentative start date of May 2021, in the annual total amount of $906,525.00 for a total contract price, not to exceed $3,813,691.87 per year; and

WHEREAS, on September 18, 2021, the City and SFM executed Amendment No.4 to the Agreement; said amendment incorporating into the Agreement the omitted "Contract Provisions for Non-Federal Entity Contracts Under Federal Award," the "Byrd Anti-Lobbying Amendment Certification," the "Suspension and Debarment Certification," and other miscellaneous requirements of the City Code and Florida Law; and

WHEREAS, on June 22, 2022, the Mayor and City Commission adopted Resolution No. 2022-32186, approving Amendment No. 5 to the Agreement; said amendment incorporated additional sites and services to the scope of the Agreement, in the amount of $84,459.56 per year, increasing the current contract price to an estimated annual amount of $3,898,151.43 per year, not including additional services that may be added by the City Manager, as needed, within the limits of the City Manager's purchasing authority under the City Code, and subject to funding availability under the approved budget for the Agreement for each fiscal year; and

WHEREAS, via this Resolution, the Administration seeks to clarify the effective date for the approval of the additional services, which was retroactive to the beginning of the fiscal year, October 1, 2021, and which reference was omitted in error in the June 22, 2022 City Commission agenda item.

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 amend Resolution No. 2022-32186, that approved Amendment No. 5 to the Professional Services Agreement, dated May 28, 2019, between the City and SFM Services, Inc. for janitorial services citywide, said Amendment to the Resolution clarifying that the effective date for the approval of the additional services was retroactive to the beginning of the fiscal year, October 1, 2021, instead of June 22, 2022, with no change to the total contract price.

PASSED and **ADOPTED** this 14th day of September 2022.

_____
Dan Gelber, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney GPM 8-25-22 Date