

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 1 TO CONTRACT NO. 21-094-01, BETWEEN THE CITY AND FRANMAR CORPORATION, PURSUANT TO INVITATION TO BID (ITB) NO. 2021-094-AY FOR BUS TRANSPORTATION SERVICES; SAID AMENDMENT INCREASING THE HOURLY RATE FOR SERVICES FROM \$58.00 TO \$80.00 PER HOUR, EFFECTIVE NOVEMBER 16, 2022, SUBJECT TO POSSIBLE ANNUAL RATE INCREASES, NOT TO EXCEED 3%, SUBJECT TO APPROVAL BY THE CITY MANAGER AND FUNDING AVAILABILITY; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT.

WHEREAS, during the March 9, 2016 City Commission meeting, the City awarded two (2) contracts for bus transportation services, one to Franmar Corporation ("Franmar") and one to Air B School Bus Transportation, Inc. ("Air B") for a period of two (2) years and three (3) additional one (1) year renewals (Exhibit A); and

WHEREAS, due to poor performance and failure to correct contract violations, on September 19, 2018, the City terminated the agreement with Air B, and since then, Franmar has been the primary provider for bus transportation for the City; and

WHEREAS, the contract expired on March 8, 2021 and the contract was extended on a month to month basis until the City went out to bid; and

WHEREAS, the Invitation To Bid ("ITB") No. 2021-094-AY for Bus Transportation Services was issued on March 16, 2021, with an opening date of April 13, 2021; and

WHEREAS, bid notices were issued to 3,298 companies and the notices resulted in the receipt of one (1) bid from Franmar, offering the same rate of \$58.00 per hour throughout Miami-Dade, Broward and Palm Beach counties; and

WHEREAS, during the June 23, 2021 City Commission meeting, the City Commission accepted the recommendation of the City Manager pursuant to the ITB and awarded Contract No. 21-094-01 for bus transportation services (the "Contract") to Franmar (the "Contractor"), a copy of which is attached as Exhibit B to the City Commission Memorandum accompanying this Resolution; and

WHEREAS, Contractor has always provided the City with great customer service; has a sufficiently large fleet, capable of meeting the needs of the City's Parks and Recreation Department (the "Department"); and is very accommodating in providing the City with bus services for its many programs and events for seniors, after school, summer camps, and other City initiatives, including, without limitation, such as the Veteran's Day Parade, Memorial Day, etc.; and

WHEREAS, Contractor has expressed to the Department, that due to rising prices in labor, fuel and fleet, Contractor is no longer able to provide their services at the Contract rate of \$58.00 per hour; and

WHEREAS, based on research conducted by the Department, the hourly rate of \$80.00 per hour is fair and equitable for both the City and Contractor, as it is in line with the hourly rate being charged by other vendors providing similar services, or less in some cases; and

WHEREAS, a change in the hourly rate for the services requires an amendment to the Contract; and

WHEREAS, as a result, the City Administration recommends amending the Contract to increase the hourly rate from \$58.00 per hour to \$80.00 per hour effective November 16, 2022 (Initial Effective Date of Adjustment); and

WHEREAS, the amendment would also include possible annual increases to the hourly rate, commencing upon the one-year anniversary from the Initial Effective Date of Adjustment, based on a market evaluation conducted by the City Administration, or at the City Manager's option, the increase may be subject to the changes in the Miami-Fort Lauderdale-West Palm Beach, FL, CPI-U 12 month changes, all items index ("CPI"), not to exceed three percent (3%) or the actual market increase, whichever is smaller, as determined by the City Manager; and

WHEREAS, any annual increase in the hourly rate would be subject to funding availability; and

WHEREAS, the City Manager recommends approving, in substantial form, Amendment No. 1 to the Contract, attached to the City Commission Memorandum accompanying this Resolution as Exhibit B; and further authorizing the City Manager to finalize and execute the Amendment.

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 approve, in substantial form, Amendment No. 1 to Contract No. 21-094-01, between the City and Franmar Corporation, pursuant to Invitation to Bid (ITB) No. 2021-094-AY for bus transportation services; said Amendment increasing the hourly rate for services from \$58.00 to \$80.00 per hour, effective November 16, 2022, subject to possible annual rate increases, not to exceed 3%, subject to approval by the City Manager and funding availability; and further authorize the City Manager to execute the Amendment.

PASSED and ADOPTED this 16th day of November 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

11-7-22

Date