

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 4 TO THE AGREEMENT EXECUTED PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 44-07/08 BETWEEN THE CITY AND DECO BIKE, LLC, FOR THE IMPLEMENTATION, MANAGEMENT, AND OPERATION OF A SELF-SERVICE BICYCLE SHARING PROGRAM, WITH THE CURRENT TERM ENDING ON SEPTEMBER 30, 2023; SAID AMENDMENT NO. 4 EXTENDING THE AGREEMENT ON A MONTH-TO-MONTH BASIS, FOR A PERIOD OF UP TO FOURTEEN (14) MONTHS OR UNTIL SUCH TIME AS THE CITY COMMISSION AWARDS AN AGREEMENT PURSUANT TO A NEW COMPETITIVE SOLICITATION FOR THE BICYCLE SHARING PROGRAM, WHICHEVER IS EARLIER.

WHEREAS, on January 28, 2009, the Mayor and City Commission passed Resolution No. 2009-26993, authorizing the administration to enter into negotiations with Deco Bike, LLC, as the top-ranked proposer under the RFP; and

WHEREAS, on July 15, 2009 pursuant to Request for Proposals (RFP) No. 44-07/08, the City entered into an agreement with Deco Bike, LLC for the delivery and operation of a self-service bicycle rental fleet for public use to be stationed in the public right of way (the "Agreement"); and

WHEREAS, on July 18, 2012, the Mayor and City Commission adopted Resolution No. 2012-27975 approving amendment no. 1 to the Agreement, extending the term of the Agreement through September 30, 2023, increasing the operational ceiling to 1100 bicycles on a Citywide basis, modifying the financial terms, and approving certain advertisings and sponsorships; and

WHEREAS, on May 12, 2015, the City and Deco Bike, LLC, executed Amendment No. 2 to the Agreement, approving the sponsorship with Citibank to operate under the program name of "Citi Bike"; and

WHEREAS, on December 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-31105, authorizing the City Manager to negotiate an amendment to the Agreement between the City and Deco Bike, LLC, for the provision of a docked electric-assisted bicycle sharing pilot program ("Pilot Program"), subject to the City Commission's approval of the final amendment; and

WHEREAS, on June 23, 2021, the Mayor and City Commission adopted Resolution No. 2021-31743, approving Amendment No. 3 to the Agreement, with said amendment approving the implementation, management and operation of a one-year Pilot Program for the operation of up to 100 docked electric assisted bicycles Citywide within the existing Concession Areas; and

WHEREAS, as the Agreement expires on September 30, 2023, the Administration recommends that the Mayor and City Commission authorize the execution of Amendment No. 4, extending the Agreement for an additional fourteen (14) months, or until such time as the City Commission awards a contract pursuant to a new competitive solicitation for the Bicycle Sharing Program, whichever is earlier, so that, if extended for the full fourteen (14) months, the term of the Agreement will be more coterminous with the Citibank naming rights agreement and City of Miami agreement; and

WHEREAS, all other terms of the Agreement shall remain the same.

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 approve and authorize the Mayor and City Clerk to execute Amendment No. 4 to the Agreement executed pursuant to Request for Proposals (RFP) No. 44-07/08 between the City and Deco Bike, LLC, for the Implementation, Management, and Operation of a Self-Service Bicycle Sharing Program, with the

current term ending on September 30, 2023; said amendment No. 4 extending the Agreement on a month-to-month basis, for an additional period of up to fourteen (14) months or until such time as the City Commission awards a contract pursuant to a new competitive solicitation for the Bicycle Sharing Program, whichever is earlier.

PASSED AND ADOPTED this _____ day of _____ 2023.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *DT*

Date

5-9-23

AMENDMENT NO. 4 TO THE CONCESSION AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND DECO BIKE, LLC (D/B/A CITI BIKE) FOR THE IMPLEMENTATION, MANAGEMENT AND OPERATION OF A SELF-SERVICE BICYCLE SHARING PROGRAM PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 44-07/08

This Amendment No. 4 (“Amendment”) to the Concession Agreement for a Self-Service Bicycle Rental & Sharing Program pursuant to Request for Proposals (RFP) No. 44-07/08, between the City of Miami Beach, a Florida municipal corporation, whose address is 1700 Convention Center Drive, Miami Beach, Florida 33139 (“City”) and Deco Bike, LLC, (d/b/a Citi Bike) a Florida limited liability company, whose address is 41 NE 17th Terrace, Miami Florida 33132 (“Concessionaire” or “Deco Bike”), dated July 15, 2009 (“Agreement”) is made and entered into this ____ day of _____, 2023 (“Effective Date”):

RECITALS

WHEREAS, on July 16, 2009, Concessionaire and the City executed the Agreement in response to RFP No. 44-07/08 for the delivery and operation of a self-service bicycle rental fleet for public use to be stationed in the public right of way (the “program”); and

WHEREAS, the Agreement requires that Concessionaire implement a program which would enable the public to self-rent bicycles from any or a number of locations (defined as “Concession Areas” in the Agreement) and return them to another Concession Area, on a 24 hour, 365 day a year basis; and

WHEREAS, on July 18, 2012, the City and Concessionaire entered into Amendment No. 1 to the Agreement, extending the term of the Agreement through September 30, 2023 and increasing the operational ceiling to 1100 bicycles on a Citywide basis, modifying the financial terms and approving advertising and sponsorships; and

WHEREAS, on May 12, 2015, the City and Concessionaire executed Amendment No. 2, approving the sponsorship with Citibank, to operate under the program name of “Citi Bike”; and

WHEREAS, on December 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-31105, authorizing the City Manager to negotiate an amendment to the Agreement between the City and Concessionaire for the provision of a docked electric-assisted bicycle sharing pilot program (“Pilot Program”), subject to the City Commission's approval of the final amendment; and

WHEREAS, on June 23, 2021, the Mayor and City Commission adopted Resolution No. 2021-31743, approving Amendment No. 3 to the Agreement; said Amendment approving the implementation, management and operation of a one-year Pilot Program for the operation of up to 100 docked electric-assisted bicycles Citywide within the existing Concession Areas; and

WHEREAS, the parties wish to extend the Term of the agreement on a month-to-month basis, for a period not to exceed fourteen (14) months or until such time as the City Commission awards a contract pursuant to a new competitive solicitation for the City's bicycle sharing program, whichever is earlier; and

WHEREAS, on May 17, 2023, the Mayor and City Commission approved Amendment No. 4 to the Agreement; said amendment extending the term on a month-to-month basis, for a period not to exceed fourteen (14) months or until such time as the City Commission awards a contract

pursuant to a new competitive solicitation for the City's bicycle sharing program, whichever is earlier.

NOW THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and Concessionaire hereby amend the Agreement as follows:

1. The aforestated recitals are true and correct and incorporated herein by reference.
2. The Term of this Agreement is hereby extended on a month-to-month basis, for a period not to exceed fourteen (14) months or until such time as the City Commission awards a contract pursuant to a new competitive solicitation for the City's bicycle sharing program, whichever is earlier.
3. Except as amended herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their appropriate officials, as of the date first entered above.

FOR CITY:

CITY OF MIAMI BEACH, FLORIDA

ATTEST:

By:

Rafael E. Granado
City Clerk

Alina T. Hudak
City Manager

Date

Date

FOR CONCESSIONAIRE:

DECO BIKE, LLC

ATTEST:

By:

Bonifacio Diaz, Vice President

Ricardo Pierdant, President

Date

Date

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *DH* 5-9-23
Date