

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; AUTHORIZING THE CITY MANAGER TO CONTINUE PURCHASING CABLE TV SERVICES FROM COGECO US (MIAMI), LLC D/B/A BREEZELINE ON A MONTH-TO-MONTH BASIS UNTIL SUCH TIME AS A NEW CONTRACT FOR CABLE SERVICES CAN BE AWARDED; FURTHER AUTHORIZING THE ADMINISTRATION TO ISSUE AN INVITATION TO NEGOTIATE (ITN) SEEKING PROPOSALS FROM FIRMS INTERESTED IN NEGOTIATING A CONTRACT WITH THE CITY FOR CABLE TV SERVICES; AND FURTHER REQUIRING THAT THE ITN BE PROVIDED TO THE MAYOR AND CITY COMMISSION, PRIOR TO ISSUANCE, VIA A LETTER TO COMMISSION (LTC).

WHEREAS, On January 14, 2004, the Mayor and City Commission approved the franchise agreement with Atlantic Broadband Miami LLC ("Atlantic Broadband") to provide cable television (TV) services city-wide. On March 18, 2022, Atlantic Broadband filed with the Florida Secretary of State, Division of Corporations, to change its name to Cogeco US (Miami) d/b/a Breezeline; and

WHEREAS, On July 15, 2022, the Administration issued Invitation to Bid (ITB) 2022-554-LB seeking bids from cable services providers authorized to operate in the City. The ITB resulted in a sole bid from Breezeline, which could not be considered as it was non-responsive to the ITB requirements for failing to include pricing; and

WHEREAS, on September 13, 2022, the Mayor and City Commission adopted Resolution No. 2022-32283, waiving the formal competitive bidding requirement by a 5/7ths vote, and authorizing the continued purchase of cable services for City Departments provided by Breezeline, on a month-to-month basis, through April 30, 2023, or until such time as a new contract for cable services could be implemented, whichever occurs first; and

WHEREAS, the Administration revised the specifications of the solicitation to eliminate any perceived barriers to bidding and, on February 27, 2023, issued ITB 2023-064-LB seeking responses from firms interested in being prequalified to provide cable TV services to City departments; and

WHEREAS, once again, a sole bid from Breezeline was received in response to ITB 2023-064-LB; and

WHEREAS, because the purpose of ITB 2023-064-LB was to establish a prequalification pool of viable vendors where quotes could be sought when the need for services arises, the sole response from Breezeline was rejected; and

WHEREAS, the Administration requests the authority for Citywide expenditure up to an amount not-to-exceed \$100,000; and

WHEREAS, the Administration is seeking authority to continue to pay for services at current locations and add any new locations that may need service until such time as a new contract is awarded; and

WHEREAS, it is recommended that the City issue an Invitation to Negotiate (ITN) seeking service providers authorized to deliver cable TV services within the City; and

WHEREAS, an ITN will allow staff to negotiate with qualified respondents who may have solutions that differ from the solutions prescribed in prior solicitations.

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 accept the recommendation of the City Manager to waive, by a 5/7ths vote, the formal competitive bidding requirements, finding such waiver to be in the best interest of the City; authorize the City Manager to continue purchasing cable TV services from Cogeco US (Miami) LLC d/b/a Breezeline, on a month-to-month basis until such time as a new contract for cable services can be awarded; further authorize the Administration to issue an Invitation to Negotiate (ITN) seeking proposals from firms interested in negotiating a contract with the City for cable TV services; and further require that the ITN be provided to the Mayor and City Commission, prior to issuance, via a Letter to Commission (LTC).

PASSED and ADOPTED this _____ day of September 13, 2023.

ATTESTED BY:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney  

9-1-23
Date