RESOLUTION NO.	
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO RFP 2023-628-LB FOR WIDE AREA AND NETWORK INTERNET SERVICES: AUTHORIZING ADMINISTRATION TO **ENTER NEGOTIATIONS** WITH COMMUNICATIONS LTD FOR INTERNET CONNECTIVITY (GROUP 1) AND AT&T CORP FOR WIDE AREA NETWORK SERVICES (GROUP 2); AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AGREEMENTS WITH EACH FIRM UPON THE CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, on September 13, 2023, the Mayor and City Commission authorized the issuance of Request for Proposals (RFP) No. RFP 2023-628-LB for Wide Area Network and Internet Connectivity Services; and

WHEREAS, on October 18, 2023, the City received proposals from the following four (4) firms: AT&T Corp, Comcast Business Communications LLC, Crown Castle Fiber LLC, Hotwire Communications LTD; and

WHEREAS, the bid submitted by Crown Castle Fiber LLC failed to provide a completed Cost Proposal Form as required in the RFP; and

WHEREAS, the proposal has been deemed non-responsive and cannot be further considered; and

WHEREAS, on October 12, 2023, the City Manager appointed the Evaluation Committee via LTC # 458-2023; and

WHEREAS, the Committee was comprised of Francisco Garcia, Fleet and Facilities Division Director; Lazaro Guerra, Public Safety Communications Division PSCU Administrator; Shari Lipner, Emergency Management Division Administrator; Omar Mendoza, Public Works Principal Engineer; and Frank Quintana, Information Technology Chief Information Officer; and

WHEREAS, the Evaluation Committee convened on October 27, 2023, to consider the proposals received; and

WHEREAS, the Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance, the Government Sunshine Law, and general information on the scope of services and a copy of each proposal; and

WHEREAS, the Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP; and

WHEREAS, the evaluation process resulted in the proposers being ranked by the Evaluation Committee in the following order:

Group 1 Internet Connectivity

1st – Comcast Business Communications LLC

2nd – Hotwire Communications LTD

3rd – AT&T Corp.

Group 2 Wide Area Network (WAN) Connectivity

1st - AT&T Corp.

2nd – Comcast Business Communications LLC

WHEREAS, with regard to Group 1 – internet connectivity, the evaluation process, which includes a consideration of qualifications, scope of services, and cost, resulted in Comcast as the top-ranked bidder, closely followed by AT&T as the second-ranked bidder; and

WHEREAS, Section 2-369 of the City Code requires that, in determining the lowest and best bidder, in addition to price, there shall be considered the following:

- (1) The ability, capacity, and skill of the bidder to perform the contract.
- (2) Whether the bidder can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract; and

WHEREAS, both Comcast and Hotwire have previously performed work for the City. Hotwire Communications has performed well, with the City not experiencing any major deficiencies in the internet services that are so critical to City operations; and

WHEREAS, the City has, however, experienced significant deficiencies with Comcast's performance; and

WHEREAS, the City has experienced inconsistent internet services relating to the revenue control and access systems at the City's parking garage; and

WHEREAS, during this term, Comcast experienced multiple extended outages that forced the Skidata system to be unavailable, with these service interruptions forcing the Parking Department to open access to garages without the ability to collect payments, resulting in a loss of revenue for the City; and

WHEREAS, based on this prior performance, the Chair of the Evaluation Committee stated that they could not support continuing to do business with Comcast Business Communications LLC as the City continues to experience an extended outage relating to critical data center connectivity that began in December of 2021 and remains ongoing; and

WHEREAS, when services transitioned to Hotwire in 2018 under the current agreement, Comcast was the only vendor capable of providing the required services in the affected area, and, therefore, those services were not transitioned to Hotwire. However, despite multiple attempts by the City to correct the outage with Comcast, the matter remains unresolved; and

WHEREAS, with regard to the evaluation process, which resulted in Comcast being deemed top-ranked, it is important to note that when cost is not considered, the Evaluation Committee ranked Comcast in last place of the three proposals considered; and

WHEREAS, Comcast's first-place rank is primarily attributable to the points it received for the cost portion of the evaluation criteria, where it submitted a cost proposal that was approximately 50% less than the cost proposal submitted by Hotwire and AT&T; and

WHEREAS, however, any financial benefits that could be experienced by the City if it were to award a contract to Comcast would likely be short-lived as Comcast took several exceptions to the terms and conditions of the RFP, including reserving the right to increase prices at any time throughout the contract period; and

WHEREAS, given Comcast's prior performance and the fact that the Evaluation Committee, when considering qualifications and scope of services, deemed Comcast to be the lowest-ranked bidder, as well as the exceptions that Comcast took to the terms and conditions of the RFP with regard to pricing, staff does not believe it is prudent to award a contract to Comcast for internet services; and

WHEREAS, instead, staff recommends that internet services be awarded to Hotwire Communications, the top-ranked bidder when qualifications and scope of services are considered, and the second-ranked bidder overall when cost points are added; and

WHEREAS, with regard to Group 2 – WAN services, the evaluation process resulted in AT&T being top-ranked when qualifications, scope of services, and cost are considered. AT&T is the current provider of WAN services and has performed well throughout the contract term.

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 recommendation of the City Manager, pursuant to RFP 2023-628-LB for wide area network and internet services; authorize the Administration to enter negotiations with Hotwire Communications LTD for internet connectivity (Group 1) and AT&T Corp for wide area network services (Group 2); and further authorize the City Manager and City Clerk to execute agreements with each firm upon the conclusion of successful negotiations by the Administration.

	PASSED AND ADOPTED this	day of	2023.	
ATTE	ST:			
		Steven M	einer, Mayor	
Rafae	I E. Granado, City Clerk			

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

 $\frac{\text{City Attorney}}{\text{City Attorney}} \stackrel{\text{\mathcal{D}}}{\text{\mathcal{D}}} \frac{1-24-24}{\text{Date}}$