

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE WRITTEN RECOMMENDATION OF THE CITY MANAGER (AS SET FORTH IN THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION) AND WAIVING, BY 5/7TH VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND APPROVING, IN SUBSTANTIAL FORM, A CONCESSION AGREEMENT (ATTACHED TO THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION), BETWEEN THE CITY AND THE MARKET COMPANY, INC, FOR THE MANAGEMENT AND OPERATION OF THE ESPANOLA WAY STREET MARKET ON A MONTH-TO-MONTH BASIS; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL NEGOTIATED CONCESSION AGREEMENT.

WHEREAS, on August 19, 2013, RFP No. 2013-317ME was issued for the management and operation of the City's street markets, including the green markets at Lincoln Road, Collins Park, Normandy Village Isle, and other locations to be submitted by proposer, and

WHEREAS, on April 23, 2014, the Mayor and City Commission adopted Resolution No. 2014-28573, authorizing the City Manager to negotiate and execute agreements with The Market Company, Inc. (Concessionaire), as the successful bidder for the green markets at Lincoln Road, Collins Park, Normandy Village Isle, and South of Fifth (the green markets); and

WHEREAS, upon conclusion of successful negotiations, the City entered into four (4) separate Concession Agreements with Concessionaire for each of the green markets; and

WHEREAS, on February 2, 2018, citing low vendor participation, the Concessionaire exercised its option to terminate the Concession Agreement for the South of Fifth Street Market, which termination was effective as of March 31, 2018; and

WHEREAS, in September 2017, the Espanola Way Association, Inc. (Association), the neighborhood's business association, approached the Administration and requested that the City establish an Espanola Way street market, situated on the public right-of-way between Washington Avenue and Drexel Avenue; and

WHEREAS, the Association endorsed Concessionaire as operator of the new market because Concessionaire presently operates the City's other green markets and previously operated the Espanola Way market from 2006 to 2009; and

WHEREAS, on December 17, 2017, the City Commission accepted Concessionaire's proposal to waive the minimum rent guarantee on the condition that the contract term of the proposed Espanola Way Concession Agreement only run

month-to-month, and further instructed the Administration to start preparing a Request for Qualifications for the markets in South of Fifth and Espanola Way; and

WHEREAS, as set forth in the attached City Commission memorandum accompanying this Resolution, and as required pursuant to Section 2-367(e) of the City Code, the City Manager is recommending the waiver, by 5/7th vote, of the competitive bidding requirement, as being in the best interest of the City; and

WHEREAS, the Administration recommends the approval, in substantial form, of the Concession Agreement attached to the City Commission Memorandum, which agreement provides for the payment to the City of a Concession Fee, in the amount of 15% of Concessionaire's gross receipts.

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 written recommendation of the City Manager (as set forth in the City Commission Memorandum accompanying this Resolution) and waive, by 5/7th vote, the competitive bidding requirement, finding such waiver to be in the best interest of the City, and approve, in substantial form, a Concession Agreement (attached to the City Commission Memorandum accompanying this Resolution), between the City and The Market Company, Inc., for the management and operation of the Espanola Way Street Market on a month-to-month basis; and further authorize the Mayor and City Clerk to execute the final negotiated Concession Agreement.

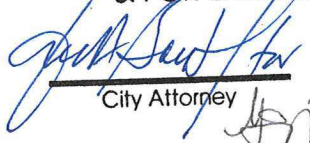
PASSED and ADOPTED THIS ____ day of _____ 2018.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

 2/27/18

Date