

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND WAIVING, BY A 5/7THS VOTE, THE FORMAL COMPETITIVE REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST, AND AUTHORIZING THE RENTAL OF UNDERCOVER VEHICLES FROM BUDGET RENT A CAR SYSTEM, INC., AS APPROVED BY THE CITY MANAGER, FOR THE PURPOSE OF THE POLICE DEPARTMENT'S INVESTIGATIVE OPERATIONS, IN THE AGGREGATE NOT TO EXCEED AMOUNT OF \$180,000 FOR A PERIOD OF SIX (6) MONTHS, OR UNTIL THE EXECUTION OF A REPLACEMENT CONTRACT, FOLLOWING A COMPETITIVE SOLICITATION, WHICHEVER COMES FIRST.

**WHEREAS**, the City of Miami Beach ("City") Police Department, as part of their normal operations, depends heavily on undercover operations during criminal investigations;

**WHEREAS**, in order to remain anonymous during undercover operations, the Police Department relies on rental cars; and

**WHEREAS**, on April 23, 2014, the Mayor and City Commission awarded Invitation to Bid (ITB) 2014-176-LR for the rental of vehicles to Enterprise Leasing Company of Florida, LLC ("Enterprise"); and

**WHEREAS**, on May 8, 2014, the City of Miami Beach and Enterprise entered into an Agreement, pursuant to ITB 2014-176-LR, with a term of three (3) years and two (2) one (1) year renewal options (the "Agreement"); and

**WHEREAS**, the Agreement, pursuant to Appendix D Special Conditions Section 3.1 Cost Escalation, provides that the City may consider price increases, not to exceed the applicable Bureau of Labor Statistics ("BLS") CPI-U index, or 3%, whichever is less; and

**WHEREAS**, on February 15, 2017, Enterprise submitted a letter to the Procurement Department requesting to increase the contract rates based on the then applicable CPI-U of 2.6% at the time of the first contract term renewal; and

**WHEREAS**, on March 20, 2017, the City Manager approved the rate increase, and the first term contract renewal, and extended the expiration date of the Agreement to May 7, 2018; and

**WHEREAS**, during the second renewal term, Enterprise requested a price increase which exceeded the applicable CPI-U increase of 2.3% for March 2017 through March 2018, as well as the 3% maximum allowable increase stipulated in the Agreement; and

**WHEREAS**, when staff notified Enterprise of the increase restrictions, Enterprise declined to renew the Agreement for another year; and

**WHEREAS**, in light of the current contractor's refusal to extend the Agreement, the City's Procurement and Police Departments are working to draft and issue a new ITB which will seek to establish a replacement contract for these services; and

**WHEREAS**, it is critical that the Police Department have access to rental cars for its undercover operations while the City completes its formal solicitation process; and

**WHEREAS**, in the interim, staff requested quotes and compared pricing from local rental car service providers from contracts awarded by local municipalities from Budget Rent a Car System, Inc., Enterprise/National and Royal Rent a Car Systems of Florida, Inc. that can meet the needs of the Police Department for these undercover vehicles; and

**WHEREAS**, the Administration has determined that Budget Rent a Car System, Inc. has provided the lowest pricing for the vehicles for the short term; and

**WHEREAS**, the Administration believes it is in the best interest of the City to waive the formal competitive requirements and allow the administration to rent undercover vehicles from Budget Rent a Car System, Inc. based on the quotes received for a period of six (6) months or until a replacement agreement is executed, whichever comes first.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, the Mayor and City Commission of the City of Miami Beach, Florida, accept the recommendation of the City Manager and waive, by a 5/7ths vote, the formal competitive requirement, finding such waiver to be in the City's best interest, and authorizing the rental of undercover vehicles from Budget Rent A Car System, Inc, as approved by the City Manager, for the purpose of the Police Department's investigative operations, in the aggregate not to exceed amount of \$180,000 for a period of six (6) months; or until the execution of a replacement contract, following a competitive solicitation, whichever comes first.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Rafael E. Granado 5-29-18  
City Attorney Date  
RAP