

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 ACCEPTING FOR CONSIDERATION AN UNSOLICITED PROPOSAL, PURSUANT TO SECTION 255.065 OF THE FLORIDA STATUTES, FOR THE MANUFACTURING, INSTALLATION, MAINTENANCE, AND OPERATION OF INTERACTIVE DIGITAL KIOSKS; AND FURTHER AUTHORIZING THE ADMINISTRATION TO PREPARE A COMPETITIVE SOLICITATION FOR THE SAME PROJECT PURPOSE AS THE UNSOLICITED PROPOSAL.

WHEREAS, the City currently has ten static informational directories on Lincoln Road through an agreement with a contractor since April 18, 2001; and

WHEREAS, s agreement currently is operating on a month-to-month basis terminable by the City, for convenience and without cause, upon thirty days prior written notice to the contractor; and

WHEREAS, on January 11, 2017, the City Commission directed the Administration to issue Request for Proposals (RFP) No. 2017-074-WG for Interactive Digital Media Kiosks; and

WHEREAS, on March 28, 2017, the City received proposals from Smart City Media, LLC; CIVIC; Smartscares, LLC; Intersection Parent, Inc.; Sensity Systems, Inc.; and Orange Barrel Media, LLC.; and

WHEREAS, the Evaluation Committee convened on December 11, 2017 to consider proposals received; and

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

- 1st ranked - Smart City Media, LLC
- 2nd ranked - Orange Barrel Media, LLC
- 3rd ranked - CIVIQ Smartscares, LLC
- 4th ranked - Intersection Parent, Inc
- 5th ranked - Sensity Systems, Inc.

WHEREAS, at its February 14, 2018 meeting, the City Commission adopted Resolution No. 2018- 30196, approving the City Manager's recommendation to shortlist Orange Barrel Media LLC (" Orange Barrel") and Smart City Media LLC (" Smart City") for further consideration; and

WHEREAS, Smart City and Orange Barrel were required to install a demonstration kiosk on Lincoln Road for approximately thirty (30) days to provide the Mayor and City Commission and the general public the opportunity to interact with and understand the functionality and size of the kiosks; and

WHEREAS, at its July 2, 2018 City Commission meeting, following presentations from the short-listed firms and substantial deliberations and input from members of the general public, the City Commission declined to accept the City Manager's recommendation to authorize negotiations with Orange Barrel Media; and, should the Administration be unable to successfully negotiate a contract with Orange Barrel Media, to authorize the Administration to negotiate with Smart City Media; and

WHEREAS, the City Commission rejected all bids received under the RFP; at that time, the general consensus of the City Commission was that the selection and installation of digital kiosks was premature given the upcoming implementation of the Lincoln Road Master Plan and that the technology proposed was rather new and untested; and

WHEREAS, on September 16, 2020, the City Commission approved agenda item C4M which referred to the Finance and Economic Resiliency Committee a discussion on interactive digital kiosks; and

WHEREAS, the referral was deferred a number of times and was subsequently withdrawn on February 10, 2021 from the FERC agenda; and

WHEREAS, on August 25, 2021, the Administration received an unsolicited proposal to manufacture, install, maintain, and operate interactive digital media kiosks at certain sites throughout the City; and

WHEREAS, the proposal includes the manufacturing, installation, operation, and maintenance of the digital kiosks at no cost to the City and provides the City with significant revenue as a share of the revenue the proposer yields from advertising; and

WHEREAS, staff has conducted a preliminary analysis of the unsolicited proposal, including the proposed equipment, functionality, and potential revenue; and

WHEREAS, staff has considered the proposer's performance on current contracts it has with other municipalities; and

WHEREAS, based on the information received, City staff believes it is prudent to initiate a competitive procurement process, while pursuing the procedure stipulated in Section 255.065, Florida Statutes, in order to provide ample opportunity for other parties to submit proposals for the project; and

WHEREAS, after reviewing staff's evaluation and reviewing the unsolicited proposal received, the City Administration finds: first, the unsolicited proposal does present the potential for significant revenue to be yielded by the City, which could be allocated by the City Commission to supplement existing allocations or create new sources of revenue for specific purposes or projects; and second, the RFP process considered herein does not bind the City in any way and is only a means for receiving competitive proposals for comparative purposes; and

WHEREAS, it is important to note that the implementation of a digital kiosks project is not being proposed at this time – only that the Mayor and City Commission authorize a process by which other parties can submit proposals for the same project purpose as the unsolicited proposal received by the City, subject to final award by the Mayor and City Commission; and

WHEREAS, based on the foregoing, the City Manager recommends accepting the unsolicited proposal for consideration, pursuant to section 255.065 of the Florida Statutes, and authorize the Administration to prepare a competitive solicitation for the same project purpose as the unsolicited proposal.

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, and accept for consideration an unsolicited proposal, pursuant to Section 255.065 of the Florida Statutes, for the Manufacturing, Installation, Maintenance, and Operation of Interactive Digital Kiosks; and further authorize the Administration to prepare a competitive solicitation for the same project purpose as the unsolicited proposal.

PASSED and **ADOPTED** this _____ day of _____ 2021.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

10-1-21

Date