

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 1 TO THE AGREEMENT WITH METAL CRAFT MARINE INCORPORATED FOR THE REFURBISHMENT OF THE CITY'S METALCRAFT MARINE FIRESTORM 36 FIREBOAT; SAID AMENDMENT INCREASING THE TOTAL CONTRACT AMOUNT FROM \$433,260.60 TO A TOTAL AMOUNT NOT TO EXCEED \$665,516.67, SUBJECT TO FUNDING APPROVAL BY THE CITY COMMISSION, PURSUANT TO A BUDGET AMENDMENT FOR FY 2022/2023; AND FURTHER AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE AMENDMENT.**

**WHEREAS**, On December 8, 2021, the Mayor and City Commission adopted Resolution 2021-31934, authorizing the City's Fire Department to accept a surplus donation from Miami-Dade County of one (1) 2006 MetalCraft Firestorm 36 Fireboat (the "MetalCraft vessel"); and

**WHEREAS**, the City's Fire Department intended to refurbish the MetalCraft vessel for marine firefighting, search and rescue (SAR), and to provide a secondary source of water in waterfront property fires where the existing domestic supply may not be capable of sustaining the volumes of water needed to extinguish a fire; and

**WHEREAS**, on February 16, 2022, the City issued Invitation to Negotiate (ITB) No. 2022-254-ND, Refurbish of MetalCraft Fireboat, with an opening date of March 3, 2022, to secure a contract, by means of sealed bids, with a firm that was qualified to refurbish the MetalCraft vessel to a minimum type III classification, satisfying the National Fire Protection Association (NFPA) 1925; and

**WHEREAS**, the City's Procurement Department issued bid notices to 1,589 companies utilizing the City's electronic bidding system and ten (10) prospective bidders accessed the advertised solicitation; however, no bids were received; and

**WHEREAS**, Metal Craft Marine Incorporated (MCM) is the sole manufacturer of the MetalCraft vessel and has successfully refurbished vessels for multiple agencies with the same engineering specifications that the City requires; and

**WHEREAS**, MCM proposed to provide the needed refurbishment for the total sum of \$433,260.60 ("Initial Proposal"), which Initial Proposal included the standard manufacturer warranty on all new components, as well as a five-year warranty on the hull; and

**WHEREAS**, on May 4, 2022, the Mayor and City Commission adopted Resolution 2022-32135, waiving, by 5/7<sup>th</sup> vote, the formal competitive bidding requirement, as permitted in Section 2-367(e) of the City Code, finding such waiver to be in the best interest of the City, and authorizing the Administration to negotiate and execute an agreement with MCM, based upon the Initial Proposal, in the approximate amount of \$ 433,260.60; and

**WHEREAS**, on or about June 24, 2022, the City and MCM executed an agreement for the refurbishment work described in the Initial Proposal (the "Agreement"); and

**WHEREAS**, upon arrival at the MCM shop, and following a detailed examination of the vessel, additional damage to the haul was identified; and

**WHEREAS**, based upon the additional damage and an increase in the cost of parts and labor due to inflationary pressures in the industry, the refurbishment costs for the City's vessel had increased by \$232,256.07, as more particularly delineated in the supplemental proposal attached as Exhibit "B" to the City Commission Memorandum accompanying this Resolution ("Supplemental Proposal"); and

**WHEREAS**, the City Manager recommends approving, in substantial form, Amendment No. 1 to the Agreement, a copy of which is attached as Exhibit "C" to the City Commission Memorandum accompanying this Resolution, and authorizing the City Manager to finalize and execute the Amendment; said Amendment increasing the total contract amount from \$433,260.60 to an amount not to exceed \$665,516.67, in order to refurbish the City's vessel and improve the Fire Department's marine firefighting and search and rescue (SAR) capabilities; and

**WHEREAS**, the execution of Amendment No. 1 would still be subject to the City Commission approving funding for this Supplemental Proposal, in the amount of \$232,256.07, pursuant to an amendment to the FY 2022/2023 budget, which amendment is being considered simultaneously herewith as a companion City Commission agenda item.

**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 approve, in substantial form, Amendment No. 1 to the Agreement with Metal Craft Marine Incorporated for the refurbishment of the City's Metalcraft Marine Firestorm 36 fireboat; said Amendment increasing the total contract amount from \$433,260.60 to a total contract amount not to exceed \$665,516.67, subject to funding approval by the City Commission, pursuant to a budget amendment for FY 2022/2023; and further authorize the City Manager to finalize and execute the Amendment.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

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

**ATTEST:**

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *Grill*

1-24-23  
Date