

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 BETWEEN THE CITY AND GYM KIDZ, INC., PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. RFQ-2019-047-WG FOR GYMNASTIC PROGRAM INSTRUCTIONAL SERVICES; SAID AMENDMENT (1) APPROVING THE FINAL ONE-YEAR RENEWAL TERM, COMMENCING ON JULY 1, 2023 AND EXPIRING ON JUNE 30, 2024; (2) INCREASING THE PARTICIPANT FEES, AS DESCRIBED IN EXHIBIT B OF THE AGREEMENT, EFFECTIVE JUNE 1, 2023; AND (3) AUTHORIZING THE CITY MANAGER OR CITY MANAGER'S DESIGNEE TO APPROVE, PURSUANT TO THE CITY MANAGER'S PURCHASING AUTHORITY UNDER THE CITY CODE, ADDITIONAL RATE INCREASES DURING THE FINAL TERM OF THE AGREEMENT, SUBJECT TO AN INDUSTRY REVIEW SUPPORTING THE ADDITIONAL INCREASES; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT.

WHEREAS, on February 13, 2019, the Mayor and City Commission adopted Resolution No. 2019-30703, authorizing the Administration to negotiate an agreement with Gym Kidz, Inc. ("Gym Kidz"), as the sole responsive proposer for gymnastic program instructional services pursuant to Request for Qualifications No. 2019-047-WG; and

WHEREAS, the City entered into a contract with Gym Kidz on November 13, 2019, for an initial term of two (2) years, effective retroactively as of July 1, 2019, with three (3) additional one-year renewal terms, at the City Manager's sole discretion (the "Agreement"); and

WHEREAS, the Agreement also provided for allowable CPI increases, not to exceed 3% annually; and

WHEREAS, the contract's final renewal period will be from July 1, 2023 through June 30, 2024; and

WHEREAS, Gym Kidz has consistently communicated to the Parks and Recreation Department (the "Department") its staffing challenges since the beginning of the COVID-19 pandemic, and like many other contractors, Gym Kidz has had difficulty recruiting coaches/instructors for their programs; and

WHEREAS, on December 8, 2022, Gym Kidz notified the Department, that notwithstanding all their efforts to recruit coaches/instructors, they would not be able to continue to offer programming at the Scott Rakow Youth Center without increasing their participant fees by an amount greater than the allowable cumulative CPI increases; and

WHEREAS, in consultation with the Procurement Department, Gym Kidz was issued a Contractor Incident/Violation Report (Notice To Cure) on February 27, 2023 after notifying the City that they were not going to be able to continue with programming due to staff shortages, and the City gave the Contractor a month to resume programming; and

WHEREAS, in response to the Notice To Cure, Gym Kidz did research and provided the Department with revised participant fees, which will allow them to recruit coaches/instructors at a competitive rate; and

WHEREAS, the draft Amendment No. 1 amends Exhibit B of the Agreement to reflect the new proposed participant fees, effective on June 1, 2023, which fees mirror the fees which Gym Kidz charges for their program in the City of North Miami Beach; and

WHEREAS, the Department has reviewed industry fees and has found the proposed fees to be in line with current pricing for similar services; and

WHEREAS, Gym Kidz has been a contractor for the Department since May 2014, and the quality of the gymnastics program offered by Gym Kidz has proven to be fun, unique, and safe for participants of all levels of instruction; and

WHEREAS, the proposed Amendment will also authorize the City Manager or City Manager's designee, to approve, pursuant to the City Manager's purchasing authority under the City Code, additional increases in the participant rates during the final one-year term of the Agreement, subject to the Administration approving an industry review, supporting the requested increase in the participant fees; and

WHEREAS, based upon the foregoing, the City Manager recommends renewing the Agreement for its final one-year term and approving, in substantial form, the draft Amendment No. 1, attached to the City Commission Memorandum accompanying this Resolution as Exhibit B.

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 between the City and Gym Kidz, Inc., pursuant to Request for Qualifications (RFQ) No. RFG-2019-047-WG for Gymnastic Program Instructional Services; said Amendment (1) approving the final one-year renewal term, commencing on July 1, 2023 and expiring on June 30, 2024; (2) increasing the participant fees, as described in Exhibit B of the Agreement, effective June 1, 2023; and (3) authorizing the City Manager or City Manager's designee to approve, pursuant to the City Manager's purchasing authority under the City Code, additional rate increases during the final term of the Agreement, subject to an industry review supporting the additional increases; and further authorize the City Manager to execute the Amendment.

PASSED AND ADOPTED this 28th day of June 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *[Signature]* 6-5-23
Date