

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH FLORIDA, WAIVING, BY 5/7TH VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT IN SECTION 2-367(E) OF THE CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE, AT ITS MAY 24, 2023 MEETING, DIRECTING THE CITY ADMINISTRATION TO (1) NEGOTIATE A ONE (1) YEAR AGREEMENT BEGINNING IN FISCAL YEAR 2024 WITH POSEIDON FERRY, LLC TO PROVIDE A WATER TAXI SERVICE PILOT PROGRAM ("PILOT PROGRAM") BETWEEN MIAMI BEACH AND DOWNTOWN MIAMI; (2) IDENTIFY FUNDING; (3) IDENTIFY LOCATIONS WHERE OPERATION WILL BE CONDUCTED; AND (4) DEFINE THE CITY CONTRIBUTION, AND FARE STRUCTURE FOR THE PILOT PROGRAM; AND FURTHER REQUIRING THAT THE FINAL AGREEMENT BE SUBJECT TO APPROVAL BY THE MAYOR AND CITY COMMISSION.**

**WHEREAS**, a water taxi is a watercraft that provides public transport service, usually, but not always, in an urban environment; and

**WHEREAS**, aside from being an attraction to tourists who enjoy the scenic cross-bay route, more importantly, water taxi service can also provide a convenient and reliable alternative mobility option to commuters traveling daily to and from Downtown Miami and the City of Miami Beach ("City"), connecting various destinations in the City and on the mainland; and

**WHEREAS**, on January 2012, the City's Marine and Waterfront Protection Authority ("MWPA") discussed this subject and passed a resolution recommending that the City develop a plan for waterborne transportation services within the City and to mainland Miami; and

**WHEREAS**, on July 23, 2014, the City Commission adopted Resolution No. 2014-28665 directing the City Administration to prepare an Invitation to Negotiate ("ITN") to seek proposals from qualified firms interested in providing the City with waterborne public transportation services; and

**WHEREAS**, the ITN resulted in only one (1) responsive and responsible bidder, Water Taxi Miami, Inc.; and

**WHEREAS**, the City executed a contract with Water Taxi Miami, Inc. to operate a one (1) year water taxi pilot program from December 30, 2016 to December 30, 2017, at no cost to the City; and

**WHEREAS**, due to its high fares, weekend-only service, and infrequent weekday service, the pilot was not deemed a practical, competitive, reliable, convenient, or financially viable operation and was terminated on December 30, 2017; and

**WHEREAS**, on September 8, 2020, Poseidon Ferry LLC ("Poseidon") presented a water ferry service operating plan to the City's Marine and Waterfront Protection Authority (MWPA); and

**WHEREAS**, Poseidon launched service on November 29, 2020, using a double-deck vessel with an air-conditioned lower deck; and

**WHEREAS**, Poseidon's water taxi service was privately owned and operated, with no public subsidy from Miami-Dade County, the City of Miami, or the City; and

**WHEREAS**, the service was suspended on December 31, 2022 due to low ridership; and

**WHEREAS**, on March 27, 2023, at the request of Commissioner David Richardson, the City Commission referred a discussion (Item C4 N) to the Finance and Economic Resiliency Committee ("FERC") to discuss implementing a water taxi/ ferry service in the City, and providing a potential subsidy for the program, in an effort to reduce the fares charged to passengers and promote an alternative mode of transportation between Miami Beach and downtown Miami; and

**WHEREAS**, Poseidon represented that the net annual operating and maintenance cost of the service was approximately \$600,000.00 per year for one (1) vessel operating seven (7) days a week at a service frequency of one (1) hour from Sunday to Friday (from 7:30 a.m. to 7:30 p.m.) and limited departures on Saturday; and

**WHEREAS**, during the May 24, 2023 FERC meeting, the Committee discussed the item and passed a motion, recommending a waiver of the formal competitive bidding process, if required to do so, and directing the Administration to: (1) proceed with negotiating a one-year pilot program with Poseidon, commencing during FY 2024, including related contract terms, such as identifying the locations where the operations would be conducted, the final City contribution toward the operation of the program, and the fare structure for use of the services; and

**WHEREAS**, on March 27, 2023, at the request of Commissioner Steven Meiner, the City Commission referred a discussion (Item C4 O) to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") and the Finance and Economic Resiliency Committee ("FERC") to discuss obtaining federal, state and county funding to implement a free water taxi/ferry service program in Miami Beach, to incentivize residents to use water taxis as an alternative mode of transportation; and

**WHEREAS**, following the May 23, 2023 PSNQLC meeting, the Administration is submitting a companion agenda item, recommending that the City Administration: (1) study the possibility of developing a new dock, and the various components of such a development, including the cost and possible funding sources for a local match, should any State and Federal grants be available; (2) add a water taxi/ferry service to the City's list of legislative priorities; (3) refer the discussion of the development of a new dock to the Marine and Waterfront Protection Authority and the Transportation, Parking and Bicycle-Pedestrian Facilities Committee to discuss and seek input on the appropriate location for a new dock; and (4) explore the different components of a water ferry program, including evaluating the different approaches to the service operating plans and vessel type/technologies, in anticipation of an issuance of a competitive solicitation for the service; and

**WHEREAS**, based upon the foregoing, and in preparation for the anticipated issuance of a competitive bidding solicitation for a water ferry service, the City Manager recommends waiving, by 5/7<sup>th</sup> vote, the formal competitive bidding requirement in Section 2-367(e) of the City Code, finding such waiver to be in the best interest of the City, and accepting the recommendation of the FERC, at its May 24, 2023 meeting, to utilize FY 2024 funds and negotiate a one-year pilot program with Poseidon.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby waive, by 5/7th vote, the formal competitive bidding requirement in Section 2-367(e) of the City Code, finding such waiver to be in the best interest of the City, and accept the recommendation of the Finance and Economic Resiliency Committee, at its May 24, 2023 meeting, directing the City Administration to (1) negotiate a one (1) year agreement beginning in fiscal year 2024 with Poseidon Ferry, LLC to provide a water taxi service pilot program ("Pilot Program") between Miami Beach and Downtown Miami; (2) identify funding; (3) identify locations where operation will be conducted; and (4) define the City contribution, and fare structure for the Pilot Program; and further require that the final agreement be subject to approval by the Mayor and City Commission.

**PASSED and ADOPTED** this 28th day June, 2023.

**ATTEST:**

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

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



\_\_\_\_\_  
City Attorney

6-27-23

\_\_\_\_\_  
Date