

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2009-310**

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER PURSUANT TO SECTION 2-583(d) TO WAIVE THE REQUIREMENTS OF THE PROCUREMENT CODE, FOR THE PURPOSE OF AUTHORIZING EXTENDING AN EXISTING AGREEMENT WITH FIRST TRANSIT, INC., FOR A ONE-YEAR PERIOD WITH AN ADDITIONAL ONE YEAR OPTION BEGINNING NOVEMBER 1, 2009; AND FURTHER AUTHORIZING AN APPROPRIATION OF FUNDS FOR SAID AGREEMENT.

**WHEREAS**, the contract with the operator of the Coral Gables Trolley, First Transit, Inc., will expire on October 31, 2009; and

**WHEREAS**, Section 2-583(d) of the Procurement Code, provides that the City Commission may waive any requirements of the Procurement Code upon a four-fifths vote where it finds such waiver to be necessary and in the best interests of the City; and

**WHEREAS**, pursuant to Section 2-583(d) of the Procurement Code, the Chief Procurement Officer recommends to waive the requirements of the Code for the purpose of authorizing the extension of the existing contract to allow for continuous Trolley Service; and

**WHEREAS**, First Transit, Inc. has agreed to a one (1) year extension with a one (1) year option at the option of the City that reduces the minimum hours of Trolley service from seventeen thousand five hundred hours (17,500) annually to fifteen thousand three hundred ninety two (15,392) hours annually; and

**WHEREAS**, First Transit, Inc. has agreed to maintain the current billing rates for of the extension period beginning November 1, 2009 and ending October 31, 2010; and

**WHEREAS**, First Transit, Inc. has agreed to continue providing service based on the amended minimum hours of Trolley service for an additional one (1) year option with a three (3%) percent increase in the hourly billing rate; and

**WHEREAS**, pursuant to Procurement Code Section 2-583(d) "*Authority of City Commission*," the City Commission shall award contracts as it deems necessary in the best interests of the City, and may waive the requirements, thereby authorizing extending an existing agreement with First Transit, Inc., for a one-year period with an additional one year option beginning November 1, 2009; and further authorizing an appropriation of funds for said agreement; and

**WHEREAS**, Section 2-650 of the Procurement Code authorizes the City Manager to delegate authority to the Chief Procurement Officer to administer and make recommendations on City contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption herein.

**SECTION 2.** That the City Commission does hereby adopt the foregoing whereas clauses as findings and accepts the recommendation of the Chief Procurement Officer to waive the requirements of the Procurement Code under and pursuant to Section 2-583(d) entitled "*Authority of the City Commission*," that it is in the best interest of the City to allow for the extension of the agreement to provide staffing for the Coral Gables Trolley.

**SECTION 3.** That the City Commission does hereby extend the contract of First Transit, Inc., for one (1) year with an additional one (1) year option.

**SECTION 4.** That the City Commission does hereby authorize an amendment to the current agreement with First Transit, Inc., reducing the minimum annual hours of trolley service to fifteen thousand three hundred ninety two (15,392).

**SECTION 5.** That the City Commission does hereby authorize further amendment(s) pending ongoing negotiations with Contractor, with final approval of the City Attorney required for any provision(s) modified.

**SECTION 6.** That an appropriation of sixty thousand dollars (\$60,000.00) is hereby authorized for other professional services from the Trolley Transportation Fund, Account No. 360-1580-544-31-90.

**SECTION 7.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SEVENTH DAY OF OCTOBER, A.D., 2009.

(Moved: Cabrera / Seconded: Anderson)

(Yea: Cabrera, Kerdyk, Withers, Anderson, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: C-9)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY