

RESOLUTION No. 17-219

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A FIFTH AMENDMENT TO THE CURRENT TROLLEY PURCHASE AGREEMENT BETWEEN THE CITY AND CREATIVE BUS SALES, INC., FORMALLY NATIONAL BUS SALES AND LEASING, INC., TO INCREASE THE CONTACT AMOUNT BY \$753,935.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$2,151,166.15 TO COMPLETE THE PURCHASE OF FOUR TROLLEYS AND SUPPORTING SAFETY AND SECURITY HARDWARE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIFTH AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 12th, 2013, the City Council for the City of Doral (the "City") authorized the City Manager to enter into an agreement with Creative Bus Sales, Inc. (formally National Bus Sales & Leasing, Inc.) for the purchase of Replica Trolley Buses and Preventative Maintenance Equipment in an amount not to exceed of \$625,151.06 (the "Agreement"); and

WHEREAS, the City Council has authorized the City Manager to execute Amendments 1 through 4 to the Agreement with Creative Bus Sales, Inc., for the purchase of Replica Trolley Buses and security equipment in an amount not to exceed \$1,397,231.15;

WHEREAS, the contract with Creative Bus Sales, Inc. is dated September 20, 2013 and has a duration of 5-years that will expire on September 20, 2018; and

WHEREAS, staff recommends that the City Council approve a fifth Amendment to the Agreement with Creative Bus Sales, Inc. (formally National Bus Sales & Leasing, Inc.) for the purchase of four (4) additional trolleys and supporting safety and security

hardware and to increase the contract amount by \$753,935.00 for a total not to exceed amount of \$2,151,166.15 (the "Fifth Amendment").

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. Approval of Fifth Amendment. The Fifth Amendment to the Agreement between the City and Creative Bus Sales, Inc., increasing the contract amount by \$753,935.00 for a not to exceed amount of \$2,151,166.15 for the purchase of four (4) additional trolleys under the Fifth Amendment, supporting safety and security hardware, attached hereto as Exhibit "A" and incorporated herein and made a part hereof by this reference, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney, is hereby approved.

Section 3. Authorization. The City Manager is hereby authorized to execute the Fifth Amendment with Creative Bus Sales, Inc. on the behalf of the City.

Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and the provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Mariaca and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Ana Maria Rodriguez	Not Present at Time of the Vote
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Not Present at Time of the Vote
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED this 13 day of December, 2017.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT “A”

**FIFTH AMENDMENT TO CONTRACT BETWEEN
THE CITY OF DORAL, FLORIDA
AND
CREATIVE BUS SALES, INC.**

This Fourth Amendment to the Contract made and entered into this ____ day of _____, 2017, by and between the City of Doral, Florida, a municipal corporation of the State of Florida ("City") and Creative Bus Sales, Inc., formally National Bus Sales & Leasing, Inc., ("Contractor") having its place of business at 800 Pickens Drive Extension, Marietta, GA 30062, for the provision of purchasing trolley vehicles and related preventive maintenance equipment ("Fourth Amendment").

WHEREAS, the City and Contractor, entered into a contract agreement for the purchase of trolley vehicles and preventive maintenance equipment ("Contract") dated September 20, 2013 for a period of five (5) years. A copy of the Contract is attached hereto as Exhibit "A" and incorporated by this reference; and

WHEREAS, the cost for the provision of purchasing trolleys is currently at a not to exceed amount of \$1,397,231.15, and the cost for the provision of purchasing four (4) trolleys and supporting safety and security hardware for the Doral Trolley System will be increased by \$753,935.00 with a not exceed amount of \$2,151,166.15 to complete the purchase of four (4) additional trolley and additional safety and security hardware.

NOW THEREFORE, in consideration of the mutual covenants set forth in this Fourth Amendment, the parties agree as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Amendments. The following Sections of the Contract are hereby amended to read as follows:

Article 3 "COMPENSATION AND PAYMENT"

"The Contractor shall be compensated in the following manner:

On a time and material/expense basis to complete the Scope of Services, provided, however, the total payments to Contractor shall not exceed \$2,151,166.15, without prior written approval of the City. Contractor shall submit.....in a form approved by the City."

EXCEPT AS PROVIDED HEREIN, all other terms and conditions of the Contract dated September 20, 2013, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original.

WITNESSES:

Name: _____

CREATIVE BUS SALES, INC.:

By: _____
Name: _____
Title: _____

ATTEST:

Connie Diaz, City Clerk

CITY OF DORAL

By: _____
Edward Rojas, City Manager

Approved As To Form and Legal Sufficiency for the Use
And Reliance of the City of Doral Only:

Weiss, Serota, Helfman, Cole & Bierman, PL
City Attorney