

RESOLUTION No. 24-148

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE ADOPTION OF CITY OF WEST MIAMI CONTRACT WITH EMERGENCY SANDBAG RESPONSE RFP No. 2023-03282023 FOR EMERGENCY SANDBAG OPERATIONS ON AN AS NEEDED BASIS; PROVIDING THAT COST TO THE CITY SHALL ONLY APPLY UPON THE CITY'S AUTHORIZED REQUEST OF THE SERVICE; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY WITH RESPECT TO ITEM PROVIDED HEREIN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, recognizing that flooding is the most common natural disaster that can occur at any time and acknowledging that traditional sandbags are an effective method to deflect water and help protect structures from flooding; and

WHEREAS, the City of Doral (the "City") is looking to establish a contract for sandbag operation that would allow for the supply and distribution of these, without having to utilize in-house workforce; and

WHEREAS, by having this type of contract in place, City staff can concentrate on securing and preparing the City for any significant storm event; and

WHEREAS, after witnessing various demonstrations by Emergency Sandbag Response (ESR), City staff performed research to obtain a similar service; and

WHEREAS, Staff learned that ESR system is patented and the only one of its kind involving sandbag response; and

WHEREAS, staff decided to look into the adoption of a current contract and obtained the City of West Miami contract with ESR, RFP No. 2023-03282023, which provides for the activation of one sandbag truck at a cost of \$27,450.00 per truck; and

WHEREAS, the cost includes the truck, sand, operators, and staff to perform

the sandbag operation, and each truck yields between 1,300 to 1,500 30 lbs. sandbags; and

WHEREAS, the City Manager respectfully requests the City Councilmembers to authorize the adoption of the City of West Miami contract with ESR, RFP No. 2023-03282023, which was completely bid in a similar manner to that set forth in Chapter 2, Article V, of the City's Code of Ordinance for emergency sandbag operations for the period set forth in the Contract Agreement and any approved additional subsequent extensions; and

WHEREAS, the cost to the City for services provided under these agreement shall only apply upon the City's authorized request for services.

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

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

Section 2. Approval. The City Council of the City of Doral hereby authorizes the City Manager to adopt the City of West Miami contract with Emergency Sandbag Response, RFP No. 2023-03282023, for the provision of emergency sandbag operations through August 31, 2024 or until such time as we procure our own contract. Furthermore, the agreement between the City of Doral and Emergency Sandbag Response for the provision of emergency sandbag operations, a copy of which is attached hereto as composite Exhibit "A", together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved.

Section 3. Authorization. The City Manager is authorized to adopt the contract and expend budgeted funds on behalf of the City in furtherance hereof.

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 Vice Mayor Puig-Corve who moved its adoption. The motion was seconded by Councilmember Pineyro and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Oscar Puig-Corve	Yes
Councilwoman Digna Cabral	Yes
Councilman Rafael Pineyro	Yes
Councilwoman Maureen Porras	Yes

PASSED AND ADOPTED this 12 day of June, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

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

GASTESI, LOPEZ & MESTRE, PLLC
CITY ATTORNEY

Lozano Cobiello

EXHIBIT “A”



RESOLUTION # 2023-26

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI APPROVING THE RECOMMENDATION OF THE CITY MANAGER TO AWARD A CONTRACT TO A SINGLE RESPONDENT, ESR, INC., FOR EMERGENCY SANDBAGS TO BE DISTRIBUTED TO CITIZENS WITHIN THE CITY OF WEST MIAMI IN CASE OF EMERGENCY CONDITIONS THAT MIGHT LEAD TO FLOODING AND OTHER CATASTROPHES, IN THE AMOUNT OF \$27,450.00; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, flooding is the most common natural disaster that can occur anywhere at any time; and

WHEREAS, traditional sandbags are an effective method to deflect water and help protect structures from flooding; and

WHEREAS, the City of West Miami advertised a Request for Proposal number 2023-03282023 to qualified entities to supply emergency sandbag service to the City in case of national disasters; and

WHEREAS, the submittal date for the Request for Proposal was March 28, 2023 at 2:00 p.m., with only one company, ESR, Inc., responding to the solicitation with a bid amount of \$27,450.00; and

WHEREAS, the City Manager has recommended the project be awarded to ESR, Inc., as the most responsive, responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of West Miami as follows:

Section 1. The aforementioned statements are true and correct and adopted as is fully stated herein.

Section 2. The City Commission hereby accepts the recommendation of the City Manager to award the contract in amount of \$27,450.00 to ESR, Inc. as the most responsive, responsible bidder.

Section 3. This Resolution shall take effect immediately upon passage by the City Commission and signature of the Mayor.

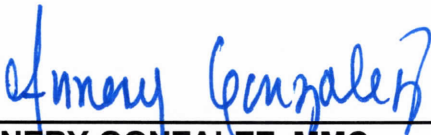
PASSED AND ADOPTED this 19th day of April, 2023.

APPROVED:



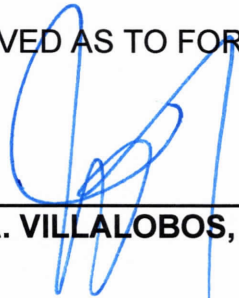
ERIC DIAZ-PADRON, MAYOR

ATTEST:



**ANNERY GONZALEZ, MMC
CITY CLERK**

APPROVED AS TO FORM AND SUFFICIENCY:



JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

This Resolution was offered by Vice-Mayor Blanes who moved its adoption. The motion was seconded by Commissioner Blanca. The vote was as follows:

MAYOR ERIC DIAZ-PADRON	<u>Y</u>
VICE-MAYOR JUAN M. BLANES	<u>Y</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER IVAN CHAVEZ, JR.	<u>Y</u>
COMMISSIONER LUCIANO SUAREZ	<u>Y</u>

4.0 Contract Agreement

THIS AGREEMENT, made this 27 day of March, 2023, by and between City of West Miami, hereinafter called "OWNER" and ESR, LLC, doing business as (an individual), or (a partnership), or (a corporation), hereinafter called "CONTRACTOR".

WITNESS TO: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the work described and shall supply all labor, transportation materials, and equipment necessary for the entire proper and substantial completion of this work, and be accountable for the safe, proper and responsible operation in accordance with State of Florida requirements as of June 1st, 2023 work per submitted CONTRACT BID and specifications of the City of West Miami.

2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein.

3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within twelve (12) hours notification by the City of West Miami, Office of the City Manager or his/her designee after an "Emergency Declaration" is made by the Office of the Governor and will complete the same within two (2) calendar days, unless the period for completion is extended otherwise by the Office of the City Manager.

4. The CONTRACTOR agrees to perform all of the WORK described in the Contract Solicitation DOCUMENTS and comply with the terms therein:

25 lbs per bag: Fifteen Dollars twenty-five cents. 40 lbs per bag: Twenty-four Dollars and Forty cents.
30 lbs per bag: Eighteen Dollars thirty cents

5. The CONTRACTOR, by proffering this PROPOSAL, WARRANTS and CERTIFIES that the COST of complying with FLORIDA TRENCH SAFETY ACT is included and part or the TOTAL AMOUNT of BID under Article Four (4) of this Agreement.

6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the GENERAL CONDITIONS such amounts as required by the CONTRACT DOCUMENTS.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

8. Contractor shall provide adequate notice to the City of the number of crew members/workers providing services under this contract and shall supply the City with adequate assurance that all wages have been paid to individual workers or subcontractors. This Contract incorporates by reference all terms and conditions of the

solicitation documentation.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in (three copies) each of which shall be deemed an original on the date first above written.



OWNER: City of West Miami

BY: [Signature]

Name: Yolanda Aguilar

Title: City Manager

ATTEST:

Name: [Signature]

ANNERY CONSUEZ

(Please type)

Title: CITY CLERK 4/20/2023



(Seal)

Contractor: ESR, LLC

Name: Albert Sotero

(Please type)

Address: 14150 SW 129 ST

Miami, FL 33186

ATTEST:

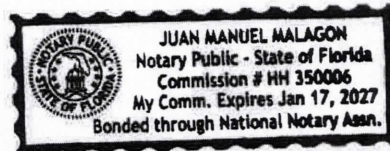
Name: [Signature]

Albert Sotero

(Please type)

Title: President.

Contract #2023-03282023



[Signature]