

**CITY OF DORAL
CONTRACT AGREEMENT WITH
EMERGENCY SANDBAG RESPONSE**

THIS AGREEMENT for services (hereinafter "Agreement") is made and entered into this 12 day of June 2024 by and between the City of Doral (hereinafter "City") and ESR, LLC, a Florida limited liability company d/b/a Emergency Sandbag Response (hereinafter "Contractor") (collectively the "Parties").

RECITALS

WHEREAS, Contractor is a Florida limited liability company engaging in the rapid deployment of sandbags and maintains a principal place of business at 14150 SW 129th Street, Miami, Florida 33186;

WHEREAS, City is a municipality within the State of Florida;

WHEREAS, Section 189.053, Florida Statutes, allows a special district, municipality, or county to enter into agreements for services pursuant to purchasing agreements of other special districts, municipalities, or counties which have been procured pursuant to a competitive bid, request for proposals, requests for qualifications, competitive selection, or competitive negotiations.

WHEREAS [THIS SECTION IS LEFT INTENTIONALLY BLANK FOR THE PURPOSE OF TAILORING EACH AGREEMENT TO THE CITY'S CODE OF ORDINANCES AS IT PERTAINS TO PIGGYBACKING]

WHEREAS, Contractor entered into a written agreement with the City of West Miami that was procured pursuant to request for proposal, proposal number 2023-03282023 and adopted by Resolution Number 2023-26; and,

WHEREAS, the City of Doral desires to adopt the above-referenced contract between Contractor and City of West Miami for utilization of the same or similar services for the rapid volume distribution of sandbags, and Contractor consents to the aforesaid adoption.

NOW, THEREFORE, in consideration of the promises and the mutual covenants of the Parties as set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree and stipulate as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. This Agreement will be in force for a period of two (3) years commencing upon the date set forth above with the option to renew for an additional two years upon approval by the City.
3. This Agreement shall be binding upon all parties hereto and their respective heirs,

executors, administrators, successors, and assigns.


4. This Agreement may be amended, modified, or altered at any time upon the approval of the Parties provided that it is in writing and signed by all Parties.

5. This Agreement may be signed and executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one Agreement. This Agreement may be executed by any party electronically, including without limitation, via DocuSign. In the event one or more of the Parties intends to sign or deliver this Agreement electronically, each Party agrees that the execution or delivery of the Agreement electronically shall have the same force and effect as delivery of handwritten or original signatures, and each party may use such electronic signature or delivery signatures as evidence of the execution and delivery of the Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year set forth above.

CONTRACTOR

ESR, LLC, a Florida limited liability company

By 

Its Representative

Date 10/6/24

CITY OF DORAL


City of Doral

By 

Rey Valdes - City Manager
(print name)

Its City Manager
(print title)

Date 10/7/24

Approved as to legal form:

Lorenzo Ghisella, City Attorney

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

Lorenzo 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:



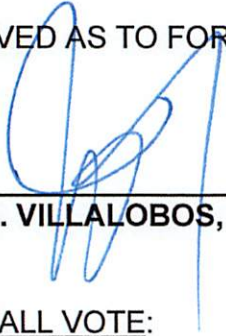
ERIC DÍAZ-PADRON, MAYOR

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 4/20/2013

(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

