

**FIRST AMENDMENT TO THE
AGREEMENT BETWEEN
THE CITY OF DORAL
AND
SFM SERVICES, INC.
FOR
RIGHT-OF-WAY MAINTENANCE SERVICES**

This First Amendment to the Agreement between the **CITY OF DORAL** ("City") and **SFM SERVICES INC.** ("Provider") executed this 24 day of July, 2023, is made a part of the original Agreement between the parties dated August 31, 2020 (the "Agreement"), between the City and Provider attached hereto as Exhibit "A". The City and Provider hereby agree as follows:

RECITALS

WHEREAS, the City issued and awarded Invitation to Bid (ITB) #2020-14 to Provider to provide Right-of-Way Maintenance Services ("Services") for a period of three (3) years with the option to renew for an additional two (2) one-year (1) periods; and

WHEREAS, pursuant to Resolution No. 20-159, the City approved the aforementioned award and resulting Agreement for said Services; and

WHEREAS, the Agreement became effective upon full execution, which date was August 31, 2020, however, the term of the Agreement did not specifically provide for the two (2) one-year (1) renewal terms set forth in the ITB and award; and

WHEREAS, on October 1, 2020, the City issued a Notice to Proceed to the Provider to commence the Services under the Agreement; and

WHEREAS, the City being satisfied with the Services provided by the Provider, the City and Provider now wish to amend the original agreement through this First Amendment to provide for the originally contemplated renewal terms, and to exercise the same.

NOW THEREFORE, in consideration of the promises and the mutual covenants herein, the parties agree as follows:

1. **EFFECTIVE DATE.** The effective date of this First Amendment shall be August 30, 2023.
2. **AMENDING TERM.** Section 2.1 "TERM/COMMENCEMENT DATE", is hereby deleted in its entirety, and substituted with the following language:

2.1 This initial Agreement shall become effective on August 31, 2020, and shall remain in effect for an initial three (3) year term, unless earlier terminated in accordance with Paragraph 8. Prior to, or upon completion of



City of Doral

the initial term, the City shall have the option to renew this Agreement for two (2) additional one (1) year periods. The Provider shall maintain, for the entirety of the stated additional periods(s), the same terms and conditions included within this original Agreement. Continuation of the Agreement beyond the initial term, and the optional years, is a City prerogative, and not a right of the Provider.

Except as modified herein, all other terms and conditions of Section 2 of the original Agreement shall remain in full force and effect.

3. **EXTENSION OF TERM.** The parties hereby agree to renew the Agreement for one (1) year as of the Effective Date of this First Amendment, thereby exercising its first of two renewal options.

4. **OTHER PROVISIONS REMAIN IN EFFECT.** Except as specifically modified herein, all terms and conditions of the original Agreement between the parties shall remain in full force and effect.

5. **CONFLICTING PROVISIONS.** The terms, statements, requirements, and provisions contained in this First Amendment shall prevail and be given superior effect and priority over any conflicting or inconsistent term, statement, requirement or provision contained in any other document or attachment, including but not limited to Exhibit "A".

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment in duplicate on the day and year last written below.

[SIGNATURE PAGE TO FOLLOW]



City of Doral

Attest:

 Connie Diaz
Connie Diaz, City Clerk

CITY OF DORAL

By: *B.H.*
Barbara Hernandez, City Manager

Date: 7/24/2023

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

 Valerie Vicente
Valerie Vicente, Esq.
for Nabors Giblin & Nickerson P.A.
City Attorney

PROVIDER

By: *[Signature]*
Its: *President*
Date: 7-19-23

RESOLUTION No. 20-159

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AWARDDING INVITATION TO BID #2020-14 “RIGHT OF WAY MAINTENANCE SERVICES” TO SFM SERVICES, INC; THE LOWEST, MOST RESPONSIVE AND RESPONSIBLE BIDDER; AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SFM SERVICES, INC. FOR THE PROVISION OF RIGHT-OF-WAY MAINTENANCE SERVICES FOR A THREE (3) YEAR PERIOD WITH THE OPTION TO RENEW FOR AN ADDITIONAL TWO (2) ONE-YEAR (1) PERIODS UNDER THE SAME TERMS, CONDITIONS, AND PRICES OF THE CONTRACT, IN AN NOT TO EXCEED APPROVED DEPARTMENTAL BUDGETED FUNDS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE NEXT LOWEST BIDDER SUCCESSIVELY IF AN AGREEMENT CAN NOT BE NEGOTIATED WITH THE TOP BIDDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral Public Works Department (PWD) provides exceptional services to ensure that the City of Doral continues to follow the “Keep Doral Beautiful” initiative; and

WHEREAS, to provide excellent service to the residents and business owners of Doral, the Right-of-Way Maintenance Program was created in 2007; and

WHEREAS, this maintenance program includes for maintenance to be performed within the City’s public right-of-way green areas that includes swales, medians, and canal right-of-way; and

WHEREAS, right-of-way services also include the repairs of irrigation throughout the City and the purchase of planting materials within this contract; and

WHEREAS, the current right-of-way maintenance contract is set to expire on October 1, 2020 or sooner; and

WHEREAS, on April 23, 2020, the City of Doral issued Invitation to Bid #2020-14 “Right-of-Way Maintenance Services” (the ITB) to competitively advertise the right-of-way services; and

WHEREAS, the City requested for all submitters to consider the bid amount for a potential five (5) year contract; and

WHEREAS, the City received five (5) submittals in response to the ITB which were opened on May 21, 2020 at 11:00 a.m. At the time of recommendation, it was determined that only three (3) firms meet the required criteria; and

WHEREAS, upon review of the bids submitted, City Staff respectfully requests that the Mayor and the City Council-Members authorize the City Manager to enter into an agreement with SFM Services, Inc. who was deemed the lowest most responsive and responsible bidder for the provision of right-of-way maintenance services, for a three (3) year period with the option to renew for an additional two (2) one-year (1) periods under the same terms, conditions, and contract prices, in an amount not to exceed approved budgeted funds; and

WHEREAS, funding for this request is available in the current Fiscal Year from the Public Works General Fund – “Contractual Services Account” (Account No. 001.80005.500340), and from the Public Works Stormwater Fund “Contractual Services Account” (Account No. 401.80005.500340).

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

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

Section 2. Approval. The contract between the City and SFM Services, Inc. for Right-of-Way Maintenance Services for a three (3) year period with the option to renew for an additional two (2) one-year (1) periods under the same terms, conditions, and costs of the contract, in an amount not to exceed budgeted funds, is hereby approved.

Section 3. Authorization. The City Manager is authorized to execute the work orders and expend budgeted funds 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 Mariaca who moved its adoption.

The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED this 12 day of August, 2020.



JUAN CARLOS BERMUDEZ, 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:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY