

RESOLUTION No. 17-141

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A FOURTH AMENDMENT TO THE CURRENT TROLLEY PURCHASE AGREEMENT BETWEEN THE CITY AND CREATIVE BUS SALES, INC., FORMERLY NATIONAL BUS SALES & LEASING, INC., FOR THE PURCHASE OF ONE ADDITIONAL TROLLEY AND SUPPORTING SAFETY AND SECURITY HARDWARE, INCREASING THE CONTRACT AMOUNT BY \$188,483.75 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$1,397,213.15; APPROVING A BUDGET TRANSFER IN THE AMOUNT OF \$188,483.75 FROM ACCOUNT 101.80005.500341 (CONTRACTUAL SERVICES – ENGINEERING) TO ACCOUNT 101.80005.500641 (CAPITAL OUTLAY – VEHICLES); AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOURTH 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 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, the City Council has authorized the City Manager to execute Amendments 1, 2, and 3 to the Agreement with Creative Bus Sales, Inc., for the purchase of Replica Trolley Buses and security equipment in an amount not to exceed \$1,208,747.40;

WHEREAS, the Public Works Department has identified \$207,298.64 in savings from the FY 2016/2017 Doral Transit System Operation and Maintenance funding (Transportation Account 101.80005.500341); and

WHEREAS, the purchase of one (1) additional trolley will allow DT01, the oldest vehicle in the Doral Transit System fleet, to be replaced to make the system more reliable in order to service ridership; and

WHEREAS, staff has recommended that the City Council approve a fourth amendment to the Agreement with Creative Bus Sales, Inc. (formally National Bus Sales & Leasing, Inc.) for the purchase of one (1) additional trolley and supporting safety and security hardware and to increase the contract amount by \$188,483.75 for a total not to exceed amount of \$1,397,213.15 (the "Fourth 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. The Fourth Amendment to the Agreement between the City and Creative Bus Sales, Inc., formerly National Bus Sales & Leasing, Inc., for the purchase of one additional trolley and supporting safety and security hardware, increasing the contract amount by \$188,483.75, for a total not-to-exceed amount of \$1,397,213.15, in substantially the form attached hereto as Exhibit "A", which is incorporated herein and made a part hereof by this reference, is hereby approved, 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.

Section 3. Authorization. The City Manager is hereby authorized to transfer \$188,483.75 from Account No. 101.80005.500341 (Contractual Services – Engineer) to Account 101.80005.500641 (Capital Outlay – Vehicles), for the purchase contemplated

herein. The City Manager is further authorized to execute the Fourth Amendment with Creative Bus Sales, Inc. and expend budgeted funds on the 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 Councilmember Rodriguez 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 Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 9 day of August, 2017.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMS
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”

**FOURTH 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 \$1,208,747.40, and the cost for the provision of purchasing one (1) trolley and supporting safety and security hardware for the Doral Trolley System will be increased by \$188,483.75 with a not exceed amount of \$1,397,231.15 to complete the purchase of one 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 \$1,397,231.15, 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