

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER AND WAIVING, BY 5/7TH VOTE, THE CITY'S COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE A MASTER SERVICES AGREEMENT WITH AT&T FOR TWO (2) YEARS, RETROACTIVE TO FEBRUARY 21, 2024, WITH ONE (1) ONE-YEAR OPTION TO RENEW; AND FURTHER, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE MASTER SERVICES AGREEMENT AND ANY ADDITIONAL DOCUMENTS NECESSARY TO ADD ADDITIONAL SERVICE(S) WITH AT&T, AS NEEDED TO MEET THE CITY'S REQUIREMENTS, FOR AN ANNUAL COST NOT TO EXCEED THE AMOUNT APPROPRIATED THROUGH THE CITY'S BUDGETARY PROCESS.

WHEREAS, in 2018, Commission adopted Resolution 20218-30393 authorizing the Administration to enter into negotiation with the sole proposer, AT&T Corporation and further, authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiation by the Administration; and

WHEREAS, the current contract, pursuant to RFP 2018-154-JC, was originally set to expire on February 21, 2024; and

WHEREAS, in anticipation of the expiring Agreement, on September 13, 2023, the Administration issued an Invitation to Bid (ITB) 2024-001-LB seeking proposals from qualified service providers to deliver telecommunications services to all Citywide facilities; and

WHEREAS, on November 2, 2023, bids were received from the following: Comcast Business Communications LLC, Ooma, Inc., Cogeco US Enterprise, LLC d/b/a Breezeline, and AT&T Corp; and

WHEREAS, because none of the proposals complied with the requirements of the ITB, all submittals were deemed non-responsive and cannot be considered; and

WHEREAS, the Administration requested, per the agreement, to extend the current agreement on a month-to-month basis to continue services until such time that a new contract is awarded; and

WHEREAS, on January 31, 2024, a month-to-month letter was sent to AT&T Corp. However, due to unannounced turnover with the City's account team, the letter was never received by the current representative; and

WHEREAS, on February 14, 2024, the Administration received a response from

AT&T Legal and Contracting Team stating that AT&T was unable to honor the existing rates on a month-to-month basis; and

WHEREAS, upon expiration of the current agreement, all the services under this contract will increase as a result of current prices structures; and

WHEREAS, AT&T Corp. is focused on migrating its customers off of legacy, unreliable telecommunication services and has ceased the sale of legacy circuits and services, except for current customers; and

WHEREAS, AT&T Corp. will discontinue support of these legacy services in the coming years as customers transition to modern, reliable services; and

WHEREAS, the products and services obtained under this contract are critical to operations and are necessary to ensure uninterrupted internal City communications as well as external communications with constituents; and

WHEREAS, while RFP 2018-154-JC was sent to nine-hundred fifty-six (956) vendors and was accessed by one-hundred forty-one (141) vendors, on May 16, 2018, the City received one (1) proposal, from AT&T Corporation; and

WHEREAS, prior to requesting this 5/7th waiver of this designated purchase, extensive market research was conducted to determine different procurement options pursuant to Section 2-369 of the Miami Beach City Code to explore potential competitive options already available in the market; and

WHEREAS, these market studies showed that other large customers that had traditionally provided piggyback options were in the process of executing bid waivers as they experience similar transition challenges; and

WHEREAS, the State of Florida's DMS services contract was also analyzed and was shown to offer only partial services at elevated rates; and

WHEREAS, staff analysis of potential piggyback options yielded no ideal suitors, as shown below:

Miami-Dade: The County awarded Contract No. BW9403-3/19 Bid Waiver on November 15, 2011, for a five-year term with three, one-year option to renew terms through February 15, 2020. On January 22, 2024, Miami-Dade extended the current contract for an additional three (3) years, with two (2), one-year option ending February 15, 2025; and

City of Miami: Resolution: R-17-0302 Finding a Sole Source waiving the requirement for competitive seal bidding and approving the award of the Sole Source on June 17, 2017, effective August 14, 2017, through August 13, 2024; and

Broward County Public School Board: Board Meeting approved FY21-037- Telecommunications with a term of commencing on December 29, 2020, through June 30, 2024, with three (3) one-year renewal.

1. The Services being provided are different from the City's needs.

2. The pricing is much higher than the City currently pays and would otherwise pay.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor And City Commission hereby accept the recommendation of the Interim City Manager and waiving, by 5/7th vote, the City's competitive bidding requirement, finding such waiver to be in the best interest of the City; authorize the Administration to negotiate a master services agreement with AT&T for two (2) years, retroactive to February 21, 2024, with one (1) one-year option to renew; and further, authorize the Interim City Manager to execute the master services agreement and any additional documents necessary to add additional service(s) with AT&T, as needed to meet the City's requirements, for an annual cost not to exceed the amount appropriated through the City's budgetary process.

PASSED and **ADOPTED** this _____ day of _____ 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *DA* Date 6/25/2024