

ATTACHMENT E
OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



RICARDO J. DOPICO
City Attorney

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July 11, 2024

Via E-mail and Overnight Courier Service
(Tracking No. 7773 4797 1416)
damian.gutierrez@outfront.com

Mr. Damian Gutierrez
Vice President, Transit
Outfront Media Group, LLC
90 Park Avenue, 9th Floor
New York, NY 10016

Re: Agreement dated October 22, 2021 between the City of Miami Beach ("City") and Outfront Media Group, LLC ("Outfront") for the Construction, Installation, Operation and Maintenance of Bus Shelters at Designated Locations Within the City Pursuant to Invitation to Negotiate No. 2020-239-KS ("Agreement").

Dear Mr. Gutierrez:

The requisite approvals for the design of the new Bus Shelters were secured from the Historic Preservation Board (HPB) on September 13, 2022 and from the Design Review Board (DRB) on November 1, 2022. Based upon the Agreement, the Project Schedule is currently between Phases 2 and Phase 3, with Phase 3 concluding when the full deployment of all new Bus Shelters is complete; however, not to exceed four (4) years from securing such design approvals; to wit: October 31, 2026 ("Outside Deployment Date").

Due to the fact that almost two (2) years have passed since securing the design approvals for the Bus Shelters, and that Outfront has failed to construct the prototype for the new Bus Shelters or secure the requisite building permits to install the new Bus Shelters, the City is highly concerned that Outfront will not be able to meet its obligations to construct and install, in operating condition, the full deployment of all of the new Bus Shelters within the four-year window provided under the Agreement.

This letter shall serve as a formal request to provide the City with adequate assurance that Outfront will be able to deliver the full deployment of all new Bus Shelters by or before the Outside Deployment Date. Pursuant to Florida Statutes Section 672.609, a response is required within a reasonable amount of time, not exceeding thirty (30) days. The City hereby requests that Outlook enclose with its adequate assurance correspondence copies of any and all documents evidencing that Outfront has ordered and paid for the prototype Bus Shelter and all written communication from the manufacturer of the new Bus Shelter including, without limitation, any communication relating to when the prototype and the

Request for Adequate Assurance Letter to Outfront

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remainder of the new Bus Shelters will be constructed and when/where they will be delivered. Additionally, please provide the Transportation Department Director and Interim City Manager and her successor with a monthly written status report as to the good faith efforts which Outfront has made to perform in accordance with the terms of the Agreement via e-mail, currently to RickelleWilliams@miamibeachfl.gov. and JoseGonzalez@miamibeachfl.gov.

Nothing contained herein shall constitute a waiver of any defaults by Outfront, whether known or unknown, or a waiver and/or limitation of any rights or remedies afforded to the City, whether conferred by the Agreement or otherwise in equity or law.

Sincerely,



Gisela Nanson Torres
Senior Assistant City Attorney

Via E-mail and Overnight Courier Service – Tracking No. 7773 4797 1416:

Glen Rectenwald, Esq.
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90 Park Avenue, 9th Floor
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Via E-mail only:

Ricardo J. Dopico, City Attorney
Rickelle Williams, Interim City Manager
David Martinez, Interim Assistant City Manager
Jose Gonzalez, Transportation and Mobility Department Director and
Interim Parking Department Director
Otniel Rodriguez, Transportation Department Assistant Director
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