

RESOLUTION NO. R2022

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH INDUSTRIAL TOWER AND WIRELESS, LLC FOR A FIVE-YEAR TOWER LEASE AGREEMENT WITH OPTIONS TO RENEW FOR TEN ADDITIONAL ONE-YEAR TERMS AND AUTHORIZING THE CITY MANAGER TO EXPEND THE ESTIMATED EXPENDITURE OF \$384,958.80; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; FURTHER AUTHORIZING CONTRACT RENEWALS IN AN AMOUNT THAT DOES NOT EXCEED THE BUDGETED ALLOCATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in an effort to provide excellent municipal services, in a safe environment for resident and visitors and being fiscally responsible, consistent with our Strategic Plan, the City of North Miami Beach (“City”) requires a tower lease agreement for the continuous two-way radio communications at the Norwood Water Treatment Plant; and

WHEREAS, Industrial Tower and Wireless, LLC (“Industrial Tower”) owns a radio tower and base equipment building located at 350 NE 215th St, Miami Gardens, FL (“Premises”); and

WHEREAS, the City wishes to install and operate certain radio equipment on the premises as set forth in Exhibit A, License Agreement for Antenna Site; and

WHEREAS, the radio repeaters are essential for the daily operations of all two-way radios at the Norwood Water Treatment Plant, the radios provide strong signal range that ensure staff stay connected and have clear communication at long distance without interference; and

WHEREAS, Section 3-4.5 (f.) of the City’s Code of Ordinances provides that Formal bidding waiver. Purchases for which formal bidding has been waived, as determined by the City Commission to be in the best interest of the City. Purchases of, and contracts for, supplies or services shall be exempt from competitive bidding/competitive proposals with a five-sevenths (5/7) affirmative vote of the City Commission declaring the waiver of competitive bidding/competitive proposals to be in the best interests of the City; and

WHEREAS, the City has estimated annual expenditure of \$25,663.92 for the initial five-year term of the contract, thereafter the monthly license fee shall increase by three percent of the previous year’s monthly fee; and

WHEREAS, Section 3-3.14 of the City’s Code of Ordinances provides that contracts in excess of fifty thousand dollars (\$50,000) shall be awarded by the City Commission; and

WHEREAS, the NMB Water Director, City Manager and Chief Procurement Officer recommended that the City Commission approve and authorize the City Manager or designee to enter into an agreement with Industrial Tower for a radio tower lease and to expend annual

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budgeted funds in an estimated total expenditure of \$384,958.80 for the initial 5-year lease with the option to renew for up to ten additional one-year terms; and

WHEREAS, the Mayor and City Commission believe it is in the best interests of the City to authorize the City Manager or designee to enter into an agreement between the City and Industrial Tower for a radio tower lease and to expend annual budgeted funds in an estimated total expenditure of \$384,958.80 for the initial 5-year lease with the option to renew for up to ten additional one-year terms.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and City Commission hereby authorize the City Manager or designee to issue enter into an agreement between the City and Industrial Tower for a radio tower lease and to expend annual budgeted funds in an estimated total expenditure of \$384,958.80 for the initial 5-year lease with the option to renew for up to ten additional one-year terms.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **20th** day of **December 2022**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)

ANTHONY DEFILLIPO
MAYOR

APPROVED AS TO FORM, LANGUAGE
& FOR EXECUTION:

HANS OTTINOT
CITY ATTORNEY

Sponsored by: Mayor and City Commission