

RESOLUTION NO. R2023-39

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AN INCREASE IN EXPENDITURE OF CITY FUNDS IN THE AMOUNT OF \$95,000.00 WITH THE BUTLER GROUP OF SOUTH FLORIDA, LLC D/B/A NEXTAFF FOR SCHOOL CROSSING GUARD SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, *Florida Statutes* and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, the City of North Miami Beach (“City”) issued an Invitation to Bid No. ITB-19-092-JL (“ITB”) for *School Crossing Guard Services*. The City and The Butler Group of South Florida, LLC d/b/a Nextaff (“Nextaff”) entered into an agreement for school crossing guard services in an annual estimated expenditure of \$95,000.00 approved by City Commission Resolution No. R2019-102 (“Crossing Guard Contract”); and

WHEREAS, upon the start of the first renewal term of the Crossing Guard Contract, Nextaff has requested an increase in annual expenditure to be compliant with the Florida minimum wage rates. Since the start of the services in 2019, the minimum wage has increased twice, and a third increase is anticipated for the upcoming fiscal year; and

WHEREAS, an increase in the amount of \$21,317.00 to the annual cost of the Crossing Guard Contract will ensure that Nextaff can continue to employ trained staff to provide safe school crossing guard services for our residents. As amended the annual cost of the Crossing Guard Contract will be \$116,317.00 for each of the remaining one-year renewals; and

WHEREAS, Section 3-3.20 of the of the Code of Ordinances City of North Miami Beach, Florida, 2008 (“Code”) requires that change orders exceeding 10% or \$50,000.00, whichever is less, shall be approved by the City Commission; and

WHEREAS, the City Manager, Chief of Police, and the Chief Procurement Officer recommend that the City Commission approve and authorize the City Manager or designee to increase the previously approved Crossing Guard Contract purchase amount by \$21,317.00 for crossing guard services; and

WHEREAS, the Mayor and City Commission determine it is in the best interests of the City to increase the previously approved Crossing Guard Contract purchase amount by \$21,317.00, thereby amending the Agreement between the City and Nextaff to provide an increase of labor rates in a total amended annual expenditure of \$116,317.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission of the City of North Miami Beach, Florida, that:

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Resolution; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. The City authorizes the City Manager or designee to expand the previously approved Crossing Guard Contract purchase scope in the sum \$21,317.00, thereby amending the Agreement between the City and Nextaff to provide an increase of labor rates in a total amended annual expenditure of \$116,317.00.

Section 3. The City Manager or designee is authorized to do all things necessary to effectuate this Resolution.

Section 4. All Resolutions or parts of Resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given affect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 7. This Resolution shall take effect immediately upon adoption.

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[SIGNATURE PAGE TO FOLLOW]

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **16th day of May, 2023**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored By: Mayor & Commission