

RESOLUTION NO. 2022 – 4004

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING AN AGREEMENT WITH CHEBERE APPETITE, INC. D/B/A SERGIO'S CATERING FOR THE PROVISION OF CONGREGATE AND HOME DELIVERED MEALS FOR THE CITY'S ELDERLY COMMUNITY IN THE EVENT OF AN EMERGENCY; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 28, 2021, the City Council of the City of Miami Springs (the "City") adopted Resolution No. 2021-3920, competitively awarding a contract to Greater Miami Caterers, Inc. (the "Primary Caterer") for congregate and home delivered meals for the City's elderly community (the "Services"); and

WHEREAS, the City's Agreement with the Alliance for the Aging, Inc. (the "Alliance") previously required that the City enter into an agreement with a back-up caterer, one that is willing and able to take over the preparation of the City's approved menus and delivery schedule to ensure continuity of the Services, without interruption, in the event there is a cessation of or interruption in the Services (i.e., in the event of an "Emergency") from the Primary Caterer; and

WHEREAS, although the Alliance no longer requires an agreement with a back-up caterer, the City has determined it is necessary and in the public interest to contract with a back-up caterer who will perform the Services in the event of an Emergency to ensure the continuity of the Services; and

WHEREAS, Chebere Appetite, Inc. d/b/a Sergio's Catering (the "Back-Up Caterer"), a licensed caterer with the Department of Business and Professional Regulation, currently has approved menus through the Alliance, utilizes the City's dietician, and is retained by several other municipalities as the primary caterer or back-up caterer; and

WHEREAS, the City Manager has successfully negotiated an agreement, in substantially the form attached hereto as Exhibit "A" (the "Agreement"), with the Back-Up Caterer upon substantially the same terms and conditions as its contract with the Primary Caterer, including compliance with all of the Alliance's rules and regulations, and at

compensation which is fair, competitive, and reasonable; and

WHEREAS, pursuant to the recommendation of the City Manager, the City Council desires to waive the City's competitive procurement requirements pursuant to Section 31-11(E)(6)(g) of the City Code and approve an Agreement with the Back-Up Caterer for the provision of the Services in the event of an Emergency as being in the best interest of the City; and

WHEREAS, the City Council finds that this Resolution is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Approval. That the City Council hereby approves the Agreement with the Back-Up Caterer to perform the Services in the event of an Emergency.

Section 3. Waiver. That the City Council hereby waives the City's competitive procurement requirements pursuant to Section 31-11(E)(6)(g) of the City Code for the provision of the Services from the Back-Up Caterer in the event of an Emergency as being in the best interest of the City.

Section 4. Authorization. That the City Council hereby authorizes the City Manager to execute the Agreement in substantially the form attached hereto as Exhibit "A," subject to approval by the City Attorney as to form, content, and legal sufficiency.

Section 5. Effective Date. That this Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by Councilman Best who moved its adoption. The motion was seconded by Councilwoman Bravo and upon being put to a vote, the vote was as follows:

Vice Mayor Dr. Walter Fajet	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Victor Vazquez	<u>ABSENT</u>
Mayor Maria Puente Mitchell	<u>YES</u>

PASSED AND ADOPTED this 23rd day of May, 2022.



MARIA PUENTE MITCHELL
MAYOR

ATTEST:



ERIKA GONZALEZ, MMC
CITY CLERK



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



WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY