

RESOLUTION NO. 2004-64-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT FOR BEVERAGE VENDING/CONCESSIONAIRE SERVICES WITH PEPSI BOTTLING GROUP, INC., IN SUBSTANTIAL FORM AS THE AGREEMENT ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager has determined that it is in the best interest of the City to install beverage vending machines in City parks, and

WHEREAS, City staff contacted both Coca-Cola Enterprises, Inc., d/b/a Florida Coca-Cola Bottling Company ("COKE") and Pepsi Bottling Group, Inc. ("PEPSI"), the only known sources of beverage vending/concessionaire services in South Florida, in an effort to determine the best options for the City as far as beverage vending/concessionaire services, and

WHEREAS, based upon the proposals received from both Pepsi and Coke, City staff has determined that it would be in the best interest of the City to enter into an agreement for beverage vending/concessionaire services with Pepsi to provide non-carbonated beverages at City parks, and

WHEREAS, City staff has also determined that it would be in the best interest of the City to enter into a beverage vending/concessionaire service agreement with Coke to provide carbonated beverages, and

WHEREAS, the City is not expending funds, so the proposed vending concessionaire agreements are not governed by the City's purchasing ordinance, and

WHEREAS, due to the nature of the goods and the proposed agreements, and the fact that Pepsi and Coke are the only known sources for beverage vending/concessionaire services in the South Florida area, the City Manager has determined that it is not in the best interest of the City to

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competitively bid beverage vending/ concessionaire services, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORITY: The City Manager is hereby authorized and directed to execute and attest, respectively, an agreement with Pepsi Bottling Group, Inc., in the substantial form as the agreement attached hereto as **Exhibit A**.

Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain two (2) fully executed copies of the subject Agreement, with one to be maintained by the City, and with one to be delivered to Pepsi Bottling Group, Inc.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON June 9, 2004.

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

  
SHIRLEY GIBSON, MAYOR

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Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: Danny Crew, City Manager

MOVED BY: Councilman Braynon  
SECONDED BY: Vice Mayor Campbell

**VOTE: 7-0**

Mayor Gibson	<u>  x  </u> (Yes)	<u>  </u> (No)
Vice Mayor Campbell	<u>  x  </u> (Yes)	<u>  </u> (No)
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>  </u> (No)
Councilman Oscar Braynon, II	<u>  x  </u> (Yes)	<u>  </u> (No)
Councilwoman Audrey J. King	<u>  x  </u> (Yes)	<u>  </u> (No)
Councilwoman Sharon Pritchett	<u>  x  </u> (Yes)	<u>  </u> (No)
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>  </u> (No)

SKK:pkw

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