RESOLUTION NO. 2014-107

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY TO ENTER INTO A FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENTBETWEEN THE CITY OF HIALEAH AND MV CONTRACT TRANSPORTATION, INC., DATED OCTOBER 29, 2010 FOR THE OPERATION OF THE CITY'S BUS TRANSIT SYSTEM, RENEWING THE TERM OF THE AGREEMENT FOR AN ADDITIONAL TWO YEARS BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2016 AND INCREASING THE PREMIUM RATE FOR BUS SERVICE HOURS IN EXCESS OF THE BASE TO $42.47 PER SERVICE HOUR FOR THE FIRST YEAR AND $52.36 PER SERVICE HOUR FOR THE SECOND YEAR, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1".

WHEREAS, pursuant to Hialeah, Fla., Resolution 10-114 (Oct. 28, 2010), the City of Hialeah entered into a two-year license with MV Contract Transportation, Inc. with options to renew; and

WHEREAS, pursuant to Hialeah, Fla., Resolution 11-113 (Oct. 31, 2011), the City entered into a first amendment to the professional services agreement and the bus lease agreement with MV Contract Transportation, Inc. due to a change in inventory when the City added new buses; and

WHEREAS, pursuant to Hialeah, Fla., Resolution 12-101 (Sept. 2, 2012), the City entered into a second amendment to the professional services agreement and the bus lease agreement with MV Contract Transportation, Inc. due to a change in inventory when the City added new buses; and

WHEREAS, pursuant to Hialeah, Fla., Resolution 13-15 (Feb. 27, 2013), the City entered into a second amendment to the professional services agreement extending the bus service hours rate for hours in excess of 34,185, providing for an annual allowance of

$4,208.00 each year for the road supervisor's fuel expenses, and relieving the City of the responsibility and expense to provide internet services onboard; and

WHEREAS, it is in the best interest and welfare of the residents of the City of Hialeah to enjoy uninterrupted high-quality bus service by renewing the term of the professional services agreement with MV Contract Transportation, Inc. for an additional two years beginning on October 1, 2014 and ending on September 30, 2016;

WHEREAS, the it is in the best interest and welfare of the residents of the City of Hialeah to enjoy uninterrupted high-quality bus service that is professionally managed and at a reasonable and competitive cost;

WHEREAS, the negotiated premium rate for bus service hours in excess of the minimum monthly service hours as set forth in the amendment is competitive and advantageous to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby approves the Fourth Amendment to the Professional Services Agreement between the City of Hialeah and MV Contract Transportation, Inc., dated October 29, 2010, to renew a two-year license to provide professional services and personnel in connection with the operation of the Hialeah Transit System beginning on October 1, 2014 and ending on September 30, 2014 and increasing the premium rate for bus service hours in excess of the monthly base service hours to $42.47 for the first year and $52.36 for the second year; all other terms remaining the same.

Section 3: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Fourth Amendment

to Professional Services Agreement a copy of which is attached hereto and made a part hereof as Exhibit "1," in furtherance thereof.

PASSED AND ADOPTED this 09 day of September, 2014.

Isis Martinez-Garcia
Council President

Attest:

Approved on this 11 day of September, 2014.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena Bravo, Acting City Attorney

Resolution was adopted by a 5-0-2 vote with Council Members Casáls-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmembers Caragol and Cue-Fuente absent.

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FOURTH AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF HIALEAH AND MV CONTRACT TRANSPORTATION, INC.,
DATED OCTOBER 29, 2010

WHEREAS, pursuant to Hialeah, Fla. Resolution 10-144 (October 26, 2010), the City entered into a professional services agreement with MV Contract Transportation, Inc. (Contractor) for a two year term commencing on November 1, 2010 and ending on October 31, 2012; and

WHEREAS, the City and Contractor amended the professional services agreement increasing the fleet in inventory on November 2, 2011; and

WHEREAS, the City and Contractor amended the professional services agreement to extend the agreement for an additional two-year term beginning on October 1, 2012 and ending on September 30, 2014, changing some responsibilities between the parties, including the responsibility to maintain the buses clean, provide for internet service, fuel expenses for the road supervisor and adjusting the service hours rate paid Contractor on September 2, 2012; and

WHEREAS, the City and Contractor amended the professional services agreement on March 12, 2013 to adjust the service hours rate and increasing the fuel expense allowance for the road supervisor; and

WHEREAS, the City and Contractor desire to amend the professional services agreement to renew the term of the agreement for an additional two years beginning on October 1, 2014 and ending on September 30, 2014 and adjusting the service hours rate paid Contractor;

NOW THEREFORE, in consideration of the mutual promises, covenants, and agreements herein contained and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the Professional Services Agreement is hereby amended as follows:

1. The language of Section I. Initial Term and Renewal Options is amended to extend the term for an additional two years as follows:

   The term of the Agreement is extended for a period of two additional years beginning on October 1, 2014 and ending on September 30, 2016.

2. The language of Section III. Compensation, paragraph 3.0 is amended as follows:

   Beginning on October 1, 2014, the City agrees to pay the Contractor the rate of $21.02 per vehicle service hour for the minimum monthly base vehicle service hours, identified as Tier 1 hours on Exhibit A, attached hereto and incorporated herein by reference, and the premium rate of $42.47 per vehicle service hour for service hours in excess of the minimum monthly base service hours, identified as Tier 2 hours on Exhibit A. All hours exceeding Tier 2 hours, in any given month, will be paid at the

base rate of $21.02. Beginning on October 1, 2015, the premium rate for Tier 2 hours shall increase to $52.36 for the remainder of the term of the Agreement. Contractor's rates are based on the City's guarantee that Contractor shall receive, each month, the minimum number of monthly vehicle service hours (base hours plus additional hours) for two (2) consecutive months, the parties shall meet to negotiate in good faith an equitable adjustment to Contractor's vehicle service hour rates, which shall take effect within thirty (30) days of the last day of the month for which the Contractor did not receive the guaranteed amount of monthly vehicle service hours. Either party shall have the unilateral right to terminate the Agreement for matters of convenience by providing the other party ninety (90) days advance written notice in the event the parties are unable to agree on the amount of the equitable rate adjustments.

3. All other provisions the Professional Services Agreement between MV Contract Transportation, Inc. and the City of Hialeah, Florida for municipal bus circulator services for the City of Hialeah, as amended, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by the respective duly authorized officials or officers hereunder this _____ day of September, 2014.

Attest:

City of Hialeah, Florida
501 Palm Avenue
Hialeah, FL 33010-0040
Authorized signature on behalf of
City of Hialeah

_____
Marbelys Fatjo, Acting City Clerk

_____
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

_____
Lorena E. Bravo, Esq.
Acting City Attorney

MV Contract Transportation, Inc., a Wholly-owned subsidiary of the parent company, MV Transportation, Inc., 5910 N. Central Expy., Ste. 1145, Dallas, TX 75206

_____
Brad Cornelsen, Chief Financial Officer

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MV Transportation, Inc.

Hialeah, FL Division #189
Hours Schedule for Third Amendment
November 1st, 2014

	Working Days Per Month				Minimum Hours Per Month		
Month	**Mon - Sat**	**Holidays**	**Net Days**	**Holiday Name**	**Tier 1 Hrs**	**Tier 2 Hrs**	**Tot Hours/Mth**
November	26	1	25	Thanksgiving	2,575	264	2,840
December	26	1	25	Christmas	2,575	264	2,840
January	26	1	25	New Years Day	2,575	264	2,840
February	25		25		2,476	254	2,730
March	27		27		2,674	275	2,949
April	25		25		2,476	254	2,730
May	27		27		2,674	275	2,949
June	26		26		2,575	264	2,840
July	26		26		2,575	264	2,840
August	27		27		2,674	275	2,949
September	25	1	24	Labor Day	2,476	254	2,730
October	27		27		2,674	275	2,949
	313	4	309		31,000	3,184	34,184

Proposed New Rates:

Rates	Tier 1	Tier 2
Yr 1	**$ 21.018**	**$ 42.471**
Yr 2	**$ 21.018**	**$ 52.355**

EXHIBIT