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3 **RESOLUTION NO. 2012-46**
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5 RESOLUTION OF THE VILLAGE COMMISSION
6 OF THE VILLAGE OF BISCAYNE PARK
7 AUTHORIZING THE VILLAGE MANAGER TO
8 EXECUTE THE AGREEMENT BETWEEN
9 WESTBROOK TOWING, INC. AND THE
10 VILLAGE OF BISCAYNE PARK; PROVIDING
11 FOR AN EFFECTIVE DATE.
12

13
14 WHEREAS, the Village of Biscayne Park Police Department routinely utilizes
15 towing services when dealing with arrests involving vehicles, and extra time and effort
16 is spent by the police officers waiting for tow services and the paperwork involved; and
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18 WHEREAS, having an agreement with a towing company would streamline the
19 process including increased response time and deferral of operational costs; and,
20

21 WHEREAS, the City of North Miami performed a public bid for wrecker and
22 towing services in June 2012, and that bid process complies with state law relating to
23 public procurement, and it is substantially similar to the competitive bidding procedures
24 of the Village; and
25

26 WHEREAS, Westbrook Towing, Inc. was the successful bidder for the City of
27 North Miami and the Village of Biscayne Park would like to piggy back off of the
28 awarded contract; and
29

30 WHEREAS, the Village Commission finds it to be in the best interests of the
31 residents of the Village to utilize Westbrook Towing, Inc. for towing services, and to
32 execute the Agreement between the Village and Westbrook Towing, Inc., attached
33 hereto and incorporated herein as Exhibit "1".
34

35 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION
36 OF THE VILLAGE OF BISCAYNE PARK, FLORIDA
37

38 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and
39 confirmed as being true and correct and hereby made a specific part of this Resolution
40 upon adoption hereof.
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42 **Section 2.** This Commission approves the agreement for towing services
43 between Westbrook Towing, Inc. and the Village of Biscayne Park and authorizes the
44 Village Manager to execute the agreement. The agreement, in substantial form, is
45 attached and incorporated by reference into this resolution as exhibit 1.
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47 **Section 3:** This Resolution shall become effective upon its adoption.
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1 PASSED AND ADOPTED this 2nd day of October, 2012.

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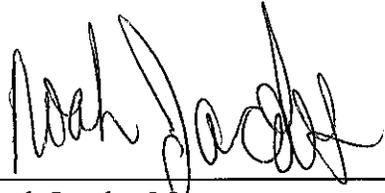
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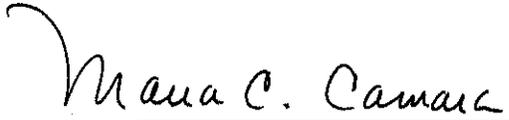


10
11 Noah Jacobs, Mayor

**The foregoing resolution upon
being put to a vote, the vote was
as follows:**

Mayor Jacobs: Yes
Vice Mayor Ross: Yes
Commissioner Anderson: Yes
Commissioner Cooper: Yes
Commissioner Watts: Yes

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15 Attest:

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17 

18
19 Maria C. Camara, Village Clerk

20
21
22 Approved as to form:

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24 

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26
27 Village Attorney

**AGREEMENT BETWEEN WESTBROOK TOWING, INC. AND
THE VILLAGE OF BISCAYNE PARK**

THIS AGREEMENT is dated and approved this 8th day of October, 2012 (“agreement”) between the Village of Biscayne Park and Westbrook Towing, Inc. (“Contractor”).

WHEREAS, the purpose of the agreement is to provide wrecker and towing services to the Village; and,

WHEREAS, the City of North Miami did a public bid for wrecker and towing services in June 2012; and,

WHEREAS, the public bid process complies with state law relating to public procurement, and as several bidders responded, and the most effective and cost efficient bidder for the City of North Miami contract was Westbrook Towing, Inc. the Village of Biscayne Park would like to piggy back off of the North Miami contract award; and,

WHEREAS, Section 3.05 of the Village Charter requires a competitive bidding process and requires the development of a procurement code; and,

WHEREAS, Sec. 2-140 of the Village Code provides a mechanism for piggybacking off of other governmental contracts, when the other governmental authorities provided that the governmental authority has followed a competitive bidding procedure leading to the award of the bid or contract in question which is substantially similar to the competitive bidding procedure outlined in the Village Code; and,

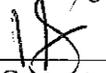
WHEREAS, the North Miami procurement process is substantially similar to the competitive bidding procedures of the Village; and,

NOW THEREFORE, in consideration of the sum of \$10.00, the mutual promises and covenants contained in this first addendum, and for other good and valuable consideration, the receipt and legal sufficiency of which is acknowledged by both parties, the parties agree as follows:

1. **WHEREAS CLAUSES:** The above whereas clauses are incorporated and made a part of this agreement.

2. **ENTIRE AGREEMENT:** This agreement, and the attached exhibit 1, which is the contract between the City of North Miami and Westbrook, Towing, Inc., when signed by all of the parties constitutes the full and complete understanding by and



Village


Contractor

between the parties and integrates by its terms and all previous contracts or understandings, oral or written, between the parties. In the event of any conflict, the terms of this second addendum will govern over the provisions of any incorporated documents. Listed below are the sections of the agreement which are being revised, and/or supplemented by this agreement:

3. All notices required pursuant to Article IX, of the attached exhibit 1, shall be provided to the Village of Biscayne Park, 640 NE 114th Street, Biscayne Park, Florida 33161 rather than to North Miami.

4. All insurance (Article XVI) and indemnification (Article XIII) shall be provided to the Village of Biscayne Park, with the Contractor adding the Village as an insured.

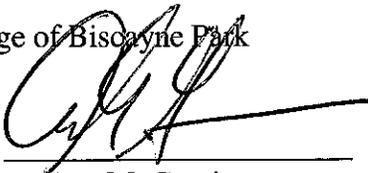
5. Throughout attached exhibit 1, all references to the City of North Miami or City shall be substituted with the Village of Biscayne Park or Village.

6. All other terms, conditions of the underlying agreement attached in exhibit 1 shall be enforceable against the Village and Contractor. NO material modifications are contemplated.

IN WITNESS WHEREOF, the parties to this Second Addendum, acting through their duly authorized officers, have executed this Second Addendum to the Agreement as of the date first written above.

Village of Biscayne Park

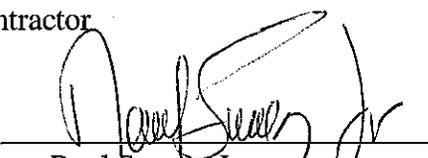
By:



Ana M. Garcia
Village Manager

Contractor

By:



Raul Suarez, Jr.
Westbrook Towing, Inc.



Village


Contractor