

Telephone: _____ Fax: _____

THIRD AMENDMENT TO AGREEMENT BETWEEN THE CITY OF CORAL SPRINGS AND ENTERPRISE LEASING COMPANY OF FLORIDA, LLC

THIS THIRD AMENDMENT to Agreement dated this 3 day of May, 2023,
by and between:

CITY OF CORAL SPRINGS, FLORIDA
a municipal corporation
9500 West Sample Road
Coral Springs, Florida 33065
(hereinafter referred to as "CITY")

and

**ENTERPRISE LEASING COMPANY
OF FLORIDA, LLC**
a limited liability company
5105 Johnson Road
Coconut Creek, Florida 33073
(hereinafter referred to as "ENTERPRISE")

WHEREAS, on July 19, 2017, CITY entered into an Agreement with ENTERPRISE for undercover vehicle rental services for the Southeast Florida Governmental Purchasing Cooperative Group; and

WHEREAS, on August 8, 2019, the parties exercised its first option to renew the Agreement for an additional two (2) year period; and

WHEREAS, on July 21, 2021, the parties exercised its second option to renew the Agreement for an additional two (2) year period; and

WHEREAS, the parties desire to enter into an additional three (3) year extension; and

WHEREAS, the current Agreement expires on August 31, 2026; and

WHEREAS, both parties concur with amending the Agreement to extend the term of the Agreement through August 31, 2026.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which are acknowledged, the parties agree as follows:

SECTION 1. RECITALS

The foregoing recitals are true and correct and are hereby incorporated into this Agreement.

SECTION 2. **TERM**

The term of this Agreement shall be extended through August 31, 2026.

SECTION 3. **RENTAL RATES**

3.01 Exhibit "A1" shall be replaced with Exhibit "A2," attached hereto and incorporated herein.

3.02 The price shall remain firm for the first two (2) years of the contract term. Prior to the renewal of year 3, CITY may consider price adjustment(s) only when a written request is received by the Purchasing Manager identified herein a minimum of ninety (90) days prior to the renewal date for review by CITY. CONTRACTOR is responsible for verifying that written price request was received by the Purchasing Manager within ninety (90) days. CONTRACTOR's written request shall identify each item affected and proposed price with written justification and supporting documentation attesting that the request is a bonafide cost increase/decrease to CONTRACTOR. Failure to submit the required supporting documentation may result in the price adjustment request being denied. CONTRACTOR's requested price adjustment is subject to CITY approval and shall require written acknowledgement from the Purchasing Manager. In the event that CITY does not wish to accept the adjusted cost(s) and the matter cannot be resolved to the satisfaction of CITY, the Agreement may be terminated by CITY by giving written notice to CONTRACTOR. In the event that a cost decrease is realized due to changes in the economy (CPI/CPU and/or decreases that are industry specific), CITY shall have the right to request and receive from CONTRACTOR a reasonable reduction in costs. CONTRACTOR reserves the right to negotiate and/or reject any price adjustment submitted by CITY.

SECTION 4. Section 6 of the Agreement shall be amended to read as follows, any portion of Section 6 not specifically amended below shall remain in full force and affect:

NOTICES:

CITY: Gail Dixon, Purchasing Manager
 City of Coral Springs
 9500 West Sample Road
 Coral Springs, Florida 33065
 Tel.: (954) 344-1104
 Email: gdixon@coralsprings.gov

SECTION 5. **CONFLICT**

In the event of conflict between this Agreement and the terms and conditions set forth in any Exhibit attached hereto, the terms of this Agreement shall control, except as expressly and explicitly provided for in this Agreement, any term, condition, or webpage link to any terms or condition contained in any Exhibit attached hereto shall have no force or effect.

SECTION 6. **SEVERABILITY**

Should any part, term or provision of this Amendment be by the courts decided to be illegal or in conflict with any law of the State, the validity of the remaining portions or provisions shall not be affected thereby.

SECTION 7. In all other respects, the terms and conditions of the Agreement, as amended, not specifically amended herein remain in full force and effect. In the event of any conflict, this third Amendment will supersede all other terms. In the event of ambiguity, the most conservative interpretation consistent with the public interest is intended.

SECTION 8. This Third Amendment shall be effective upon approval of the City Commission.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the CITY OF CORAL SPRINGS and ENTERPRISE LEASING COMPANY OF FLORIDA, LLC hereto have executed this Second Amendment the day and year first above written.

ATTEST:



GEORGIA ELLIOTT, CMC, City Clerk

CITY OF CORAL SPRINGS, FLORIDA



SCOTT BROOK, Mayor

APPROVED AS TO FORM:



Sherry Whitacre (Apr 20, 2023 08:18 EDT)
SHERRY WHITACRE
Senior Deputy City Attorney

**ENTERPRISE LEASING COMPANY
OF FLORIDA, LLC**

By: Dave Schmidt
Dave Schmidt (Apr 19, 2023 22:20 EDT)

Title: VP/GM

Print Name: Dave Schmidt

EXHIBIT A2

Base Rental Charges with No Insurance "Rate Set A"

Vehicle Class	Monthly Rate
Class II- Intermediate Sedans	\$ 755.00
Class III – Full Size	\$ 839.00
Class III – ¼ Ton Truck	\$1,028.00
Class III – Mid Size SUV	\$876.00
Class IV - Premium	\$923.00
Class IV – Mini van	\$1,021.00
Class IV- ½ Ton Truck	\$1,093.00
Class IV – Standard SUV	\$1,022.00
Class IV – Premium Crossover	\$1,219.00
Class V - Luxury	\$1,082.00
Class V - Large SUV	\$1,383.00
Class V – Premium SUV	\$ 1,647.00

Base Rental Charges with Damage Waiver "Rate Set B"

Vehicle Class	Monthly Rate
Class II- Intermediate Sedans	\$ 955.00
Class III – Full Size	\$ 1,039.00
Class III – ¼ Ton Truck	\$1,228.00
Class III – Mid Size SUV	\$1,076.00
Class IV - Premium	\$1,123.00
Class IV – Mini van	\$1,221.00
Class IV- ½ Ton Truck	\$1,293.00
Class IV – Standard SUV	\$1,222.0
Class IV – Premium Crossover	\$1,419.00
Class V - Luxury	\$1,282.00
Class V - Large SUV	\$1,583.00
Class V – Premium SUV	\$ 1,847.00

SAMPLE VEHICLES BASED ON CLASSIFICATION

Class II Intermediate Sedans	Class III Full Size	Class III ¾ Ton Truck	Class III Mid Size SUV	Class IV Premium	Class IV Mini van
Toyota Corolla	Chevrolet Malibu	Toyota Tacoma	Toyota Rav4	Nissan Maxima	Chrysler Pacifica
Nissan Sentra	Toyota Camry	Nissan Frontier	Volkswagen Tiguan	Honda Accord	Toyota Sienna
Hyundai Elantra	Nissan Altima	Chevrolet Colorado	Ford Escape	Chevrolet Impala	
Kia Forte	Kia K5	Ford Ranger	Nissan Rogue	Kia Stinger	
Mazda 3	Volkswagen Passat	Jeep Gladiator	Jeep Compass	Toyota Avalon	
Honda Civic	Hyundai Sonata		Kia Sportage		
	Dodge Charger		Mazda CX5		

Class IV- ¾ Ton Truck	Class IV Standard SUV	Class IV Premium Crossover	Class V Luxury	Class V Large SUV	Class V Premium SUV
Ford F150	Ford Edge	Dodge Durango	Chrysler 300	Chevrolet Tahoe	Chevrolet Suburban
Dodge Ram 1500	Toyota Highlander	Volkswagen Atlas	Lincoln MKZ	GMC Yukon	GMC Yukon XL
Chevrolet Silverado 1500	Dodge Journey	Chevrolet Traverse	Cadillac CT4	Nissan Armada	Ford Expedition XLT
Nissan Titan	Ford Explorer	Buick Enclave	Cadillac CT5	Ford Expedition	
Toyota Tundra	Toyota 4Runner	Jeep Grand Cherokee Limited			



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Detail by Entity Name

Foreign Limited Liability Company

ENTERPRISE LEASING COMPANY OF FLORIDA, LLC

Filing Information

Document Number M09000003003

FEI/EIN Number 59-1664426

Date Filed 08/04/2009

State DE

Status ACTIVE

Principal Address

5105 Johnson Road
Coconut Creek, FL 33073

Changed: 04/05/2018

Mailing Address

600 Corporate Park Drive
Saint Louis, MO 63105

Changed: 02/02/2021

Registered Agent Name & Address

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

Authorized Person(s) Detail

Name & Address

Title Manager

Short, Rick A.
600 Corporate Park Drive
Saint Louis, MO 63105

Title Manager

Taylor, Andrew C.
600 Corporate Park Drive
Saint Louis, MO 63105

Title VP/GM

LaMonte, Dave
11034 Atlantic Blvd
Jacksonville, FL 32225

Title VP/GM

Moore, Kevin
3505 E Frontage Road
Ste 200
Tampa, FL 33607

Title VP/GM

SCHMIDT, DAVE
5105 Johnson Road
Coconut Creek, FL 33073

Title Vice President/GM

Kershaw, Andrea
1905 Boy Scout Drive
Fort Myers, FL 33907

Annual Reports

Report Year	Filed Date
2021	02/02/2021
2022	02/24/2022
2022	04/20/2022

Document Images

<u>04/20/2022 -- AMENDED ANNUAL REPORT</u>	View image in PDF format
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extension

Final Audit Report

2023-04-20

Created:	2023-04-19
By:	Nicholas Caradonna (ncaradonna@coralsprings.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAP9IzFDILYwh57jailCRE5kZLR0So34w8

"extension" History

-  Document created by Nicholas Caradonna (ncaradonna@coralsprings.org)
2023-04-19 - 7:41:05 PM GMT
-  Document emailed to dave.schmidt@ehi.com for signature
2023-04-19 - 7:42:09 PM GMT
-  Email viewed by dave.schmidt@ehi.com
2023-04-19 - 7:52:41 PM GMT
-  Signer dave.schmidt@ehi.com entered name at signing as Dave Schmidt
2023-04-20 - 2:20:02 AM GMT
-  Document e-signed by Dave Schmidt (dave.schmidt@ehi.com)
Signature Date: 2023-04-20 - 2:20:04 AM GMT - Time Source: server
-  Document emailed to swhitacre@coralsprings.gov for signature
2023-04-20 - 2:20:05 AM GMT
-  Email viewed by swhitacre@coralsprings.gov
2023-04-20 - 12:17:12 PM GMT
-  Signer swhitacre@coralsprings.gov entered name at signing as Sherry Whitacre
2023-04-20 - 12:18:51 PM GMT
-  Document e-signed by Sherry Whitacre (swhitacre@coralsprings.gov)
Signature Date: 2023-04-20 - 12:18:53 PM GMT - Time Source: server
-  Agreement completed.
2023-04-20 - 12:18:53 PM GMT

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City of Coral Springs
City Commission Meeting Agenda Item
Summary Sheet

Meeting: May 3, 2023
Department: Financial Services
Initiated By: Nicholas Caradonna
DOC ID: 1383

SUBJECT: Public Safety Vehicle Rental Services (Brad McKeone)

PLACEMENT: Policy

REQUESTED ACTION:
(INCLUDE CONTRACT
START/TERM DATES) Request to waive the competitive procurement process consistent with Section 2-305.1 of the City's Procurement Code and extend the contract for Public Safety Vehicle Rental Services, RFP #17-C-053 to **Enterprise Leasing Company of Florida, LLC** of Coconut Creek, Florida from September 1, 2023 through August 31, 2026. The estimated annual expenditure is \$210,000. Funding Source: Approved Operating Budget. Strategic Goal: An Innovative, High Performing and Sustainable Organization.
(REQUEST TO APPROVE)

ATTACHMENTS: #1 – Memorandum to Waive City Procurement Code
#2 – Amendment to Agreement

BACKGROUND / DESCRIPTION:

The Police Department has a need to rent vehicles in its daily public safety operations. The vehicles are rented with the understanding that they can be switched frequently by the officers. The City is the lead agency for this contract on behalf of the Southeast Florida Governmental Purchasing Cooperative Group (Co-Op). There are 20 agencies, including the City, that will be participating in this contract.

On July 19, 2017, the City awarded a contract to Enterprise Leasing Company of Florida, LLC (Enterprise) for public safety vehicle rental services. Enterprise has several offices in South Florida and offers a wide selection of vehicles. The Police Department may also exchange vehicles at any time at any Enterprise location in South Florida.

City staff recommend the contract extension with Enterprise for the following reasons:

- Enterprise offers a large variety of vehicles to select from such as sedans, mini vans, sport utility vehicles (SUVs), and trucks.
- Rental offices are located in cities across Palm Beach, Broward and Miami-Dade Counties.
- Participating agencies can utilize any Enterprise rental office in the Tri-county area.
- Enterprise has provided Business Account Managers who have demonstrated excellent customer service in a continuous manner. Any concerns not addressed

City of Coral Springs
Commission Meeting Agenda Item
Summary Sheet
Meeting: May 3, 2023

Subject: Public Safety Vehicle Rental Services

by the rental offices are promptly addressed and resolved by the two Business Account Managers.

- The City solicited three Request for Proposals (RFP) for long term public safety vehicle rental services. Enterprise was the only responsive and responsible vendor within the City's budget to respond to the RFPs.
- The vehicle rental and purchasing market is highly volatile due to low inventory and the availability of parts. The Enterprise Business Account Managers have assisted in locating and reserving the required vehicles in a time when vehicle car lots have extremely low inventory.
- Enterprises rental rates are up to 47% less than it's one large competitor.

The Police Department and the Purchasing Division staff recommend waiving the competitive procurement process consistent with Section 2-305.1 of the City's Procurement Code and extending the contract for Public Safety Vehicle Rental Services, RFP #17-C-053 to Enterprise Leasing Company of Florida, LLC of Coconut Creek, Florida from September 1, 2023 through August 31, 2026. The estimated annual expenditure is \$210,000.



MEMORANDUM

To: Frank Babinec, City Manager
Through: Gail Dixon, Purchasing Manager
From: Nicholas Caradonna, Purchasing Agent
Date: April 20, 2023
Subject: Agenda Item #1383 for City Commission Meeting, May 3, 2023, Public Safety Vehicle Rental Services

The City's Procurement Code Section 2-305.1, #6 states:

(6) Waiver by the city commission. The city commission, by simple majority vote, may waive the competitive procurement process upon the written recommendation of the city manager that the process of competitive procurement is not in the best interest of the city. Any such contract where the competitive procurement process has been waived shall not appear on the consent agenda for approval.

I am requesting to waive the competitive procurement process consistent with Section 2-305.1 of the City's Procurement Code due to the following reasons:

- Limited competition: The City solicited three Request for Proposals (RFP) for public safety vehicle rental services. Enterprise was the only responsive and responsible vendor within the City's budget to respond to the RFPs.
- Enterprise's rental rates are up to 47% less than its one large competitor.

For the reasons above, I recommend waiving the competitive procurement process consistent with Section 2-305.1(6) of the City's Procurement Code.

I am required to get your written approval per the Procurement Code. Please let me know if you have any questions.

Thank you.

Approve ☒ Decline ☐

Signature: Frank Babinec
Frank Babinec (Apr 21, 2023 11:11 EDT)
Frank Babinec, City Manager

CC: Kim Moskowitz, Director of Finance

Attachment