

RESOLUTION NO. 118-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH DELRAY INTRACOASTAL CRUISES, LLC DBA DELRAY YACHY CRUISES, FOR USE OF THE CITY DOCK, PURSUANT TO A BID WAIVER; AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach (the “City”) is authorized to enter into agreements to provide services, programming, and products in accordance with its Charter; and

WHEREAS, Contractor has been a consistent and reliable operator in the City for over two decades; and

WHEREAS, Contractor has provided sightseeing, lunch and dinner cruises, and private charters within the City since 2003; and

WHEREAS, Contractor’s yacht cruise, the Lady Atlantic, has become an integral part of the City’s cultural identity and tourism economy; and

WHEREAS, given the length of the licensee’s operation at the Veteran’s Park location, the City’s current seawall and floating dock infrastructure specifically accommodate Contractor’s vessels and include a dam structure to safeguard the seawall and dock against high tides and storm surge, which was co-funded by Contractor; and

WHEREAS, a change in vendor could necessitate substantial and costly retrofitting to accommodate different cruise and equipment specifications; and

WHEREAS, in 2018, the City issued a competitive solicitation, RFP 2018-031, and the only proposal received was that of the Contractor; and

WHEREAS, it is in the best interest of the City to waive the full open and competitive acquisition process to retain an uninterrupted license agreement for use of City dock; and

WHEREAS, on June 13, 2025, in accordance with Section 38 of the City’s Purchasing Policies and Procedures Manual, the City approved a bid waiver to enter into an agreement with Contractor for management services pursuant to the Memorandum attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the City Commission deems approval of this Resolution to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF

DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission of the City of Delray Beach has reviewed and hereby approves the Agreement between the City and Contractor, attached hereto and incorporated herein as Exhibit "B".

Section 3. The City Commission authorizes the City Manager to take any other actions necessary to effectuate this Resolution.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney