




To: Peter Iglesias, Assistant City Manager for the City of Coral Gables
Eduardo Santamaria, Public Works Director for the City of Coral Gables

From: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding DriveCam Lytx

Date: April 28, 2017

I have reviewed the agreement. This is a no cost trial that does not contain any requirement to continue with the product/service following the trial, and does not create material liability (indeed, the purpose of the product/service is to increase safety and decrease liability). The City is also receiving a material benefit with no cost obligation, which clearly serves a public purpose. In my opinion, it is within the administrative authority of the City Manager's Office to approve in these circumstances.

I would also note that it involves a matter that is exempt from the Procurement Code (copyrighted material under section 2-678(10), which in my opinion applies to software of this nature). It would also be within the authority of the City Manager under section 2-650 of the Procurement Code. These are additional reasons it may be approved administratively.

This opinion and ruling is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-584 of the Procurement Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: DriveCam Lytx - Trial Proposal - Confidential
Date: Friday, April 28, 2017 7:11:39 PM
Attachments: [image004.png](#)
[image001.png](#)
[image002.png](#)

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Friday, April 28, 2017 7:11 PM
To: Iglesias, Peter <piglesias@coralgables.com>; Santamaria, Eduardo <esantamaria@coralgables.com>
Cc: Ramos, Miriam <mramos@coralgables.com>; Elejabarrieta, Raquel <relejabarrieta@coralgables.com>; Rodulfo, Raimundo <rrodulfo@coralgables.com>; Riley, Steven <sriley@coralgables.com>; Gomez, Diana <dgomez@coralgables.com>
Subject: RE: DriveCam Lytx - Trial Proposal - Confidential

Good evening. I have reviewed the agreement. This is a no cost trial that does not contain any requirement to continue with the product/service following the trial, and does not create material liability (indeed, the purpose of the product/service is to increase safety and decrease liability). The City is also receiving a material benefit with no cost obligation, which clearly serves a public purpose. In my opinion, it is within the administrative authority of the City Manager's Office to

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Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Thursday, April 27, 2017 3:43 PM
To: Iglesias, Peter <piglesias@coralgables.com>; Santamaria, Eduardo <esantamaria@coralgables.com>
Cc: Ramos, Miriam <mramos@coralgables.com>; Elejabarrieta, Raquel <relejabarrieta@coralgables.com>; Rodulfo, Raimundo <rrodulfo@coralgables.com>; Riley, Steven <sriley@coralgables.com>
Subject: RE: DriveCam Lytx - Trial Proposal - Confidential

Please send me a copy of the agreement. This can likely be approved administratively for several reasons but I just want to review what is being proposed to ensure that it does not commit the City

beyond the no-cost trial and that any liability to the City is appropriately limited.

Craig E. Leen, City Attorney

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Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Iglesias, Peter

Sent: Wednesday, April 26, 2017 9:10 PM

To: Santamaria, Eduardo <esantamaria@coralgables.com>

Cc: Leen, Craig <cleen@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>;

Elejabarrieta, Raquel <relejabarrieta@coralgables.com>; Rodulfo, Raimundo

<rrodulfo@coralgables.com>; Riley, Steven <sriley@coralgables.com>

Subject: Re: DriveCam Lytx - Trial Proposal - Confidential

Craig,

I believe Manager's can approve a no cost trial with no string attached. Your thoughts.

Thank you

Peter J Iglesias, PE

Assistant City Manager

Building Official

Sent from my iPad

On Apr 26, 2017, at 5:45 PM, Santamaria, Eduardo <esantamaria@coralgables.com> wrote:

Greetings Craig,

We have done some initial looking into this vendor and would like to initiate a no cost pilot program to “kick the tires.” The vendor, a successful company - with numerous public and private clients, has submitted the attached trial agreement and other pertinent documents. Would it be possible for your office to review and opine as to legality? We are looking at the last meeting in May for a presentation and potential commission acceptance of the trial. We could stretch this to June, if needed. There is buy-in from all stakeholders, thus far, and we feel that this will move forward without issue. Please advise.

Thanks,

Eduardo “Ed” Santamaria, PE, CGC, LEED AP
Director
City of Coral Gables
Department of Public Works
2800 SW 72nd Avenue
Miami, FL 33155
T: 305.460.5001

[Description: Description: Logo]

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Be Informed! Sign up to receive the City news electronically at enews@coralgables.com<<mailto:enews@coralgables.com>>

P Think Green! Please do not print this e-mail unless it is completely necessary.

From: Rush Akin [<mailto:rakin@lytx.com>]

Sent: Friday, February 3, 2017 12:33 PM

To: Santamaria, Eduardo; josgood@coralgables.com; Bellas, Jose M.; Giannini, Augusto; Acevedo, Jorge

Subject: DriveCam Lytx - Trial Proposal - Confidential

Hi Ed and Team,

Thanks again for the opportunity. As promised, attached is the no cost trial agreement and its corresponding quote. We can add more/less vehicles if needed. Feel free to have your legal redline/edit as needed and return. Once Shelley (our legal) approves edits, we’ll send a clean copy for signature.

When ready to proceed, here is exactly what I will need in terms of paperwork:

1. a signed copy of the trial agreement attached.
2. a signed copy of the corresponding \$0 quote (attached).
3. a copy of the completed “customer information form” (attached).
This is used to set you up in our systems properly.

4. a copy of the City's tax exempt certificate or letter.
5. a copy of the City's W9.

Regards,
Rush Akin

From: Rush Akin
Sent: Thursday, February 2, 2017 6:34 AM
To: 'esantamaria@coralgables.com'
<esantamaria@coralgables.com<<mailto:esantamaria@coralgables.com>>>;
'josgood@coralgables.com'
<josgood@coralgables.com<<mailto:josgood@coralgables.com>>>;
'josebellas@coralgables.com'
<josebellas@coralgables.com<<mailto:josebellas@coralgables.com>>>;
'agiannini@coralgables.com'
<agiannini@coralgables.com<<mailto:agiannini@coralgables.com>>>;
'jacevedo2@coralgables.com'
<jacevedo2@coralgables.com<<mailto:jacevedo2@coralgables.com>>>
Subject: Rush Akin - DriveCam Lytx - Copy of presentation - Thank you!

Team,
Thank you very much for your time yesterday. I hope the information was helpful to you and the team. As promised, attached is a copy of the presentation. Also, I will send you a trial proposal and agreement next. Let me know if you have any questions in the meantime.

I really appreciate the opportunity. Have a great and safe weekend!

Regards,
Rush

RUSH AKIN Director, Government Fleets
Direct 815.382.5168 Mobile 815.382.5168
lytx.com<<http://lytx.com/>>

[[cid:image002.png@01D23392.384C6C20](#)]

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<image001.png>

<Lytx Customer Information Form.pdf>

<Lytx Price Quote - City of Coral Gables, FL - 2_2_2017.pdf>

<Trial Agreement - City of Coral Gables, FL - 2_1_2017.pdf>

<image004.png>