

PREFERRED RATE AGREEMENT

THIS AGREEMENT is made and entered by and between The City of Daytona Beach, Florida, (the "City") and Enterprise Leasing Company of Orlando, LLC (Enterprise). ("Contractor").

WHEREAS, Contractor is in the business of rental vehicles; and

WHEREAS, Contractor is currently under written contract with Seminole County Sheriff's Department to rent various vehicles at various rates to a municipality, under terms and conditions specified therein; and

WHEREAS, the City is in need of renting nine (9) unmarked vehicles; and

WHEREAS, the City desires to have Contractor perform such services, subject to the terms and conditions of the above-referenced Contract with the specific exceptions noted herein, for a total estimated price of not to exceed \$67,500.00 and

WHEREAS, Contractor is willing to rent the vehicles under such terms and conditions.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants contained herein, the parties do mutually agree as follows:

1. The parties agree that the terms and conditions of that certain written agreement between Contractor and Seminole County Sheriff's Department dated 09/28/10, (hereinafter "the Seminole County Sheriff's Department Contract"), shall apply, except to the extent specifically referenced herein. The written agreement is attached hereto and by reference incorporated herein as Exhibit A. For purposes of applying the terms and conditions of Exhibit A to this Contract, the term, "Seminole County Sheriff's Department," and all similar terms, shall be deemed to refer to the City.
2. Contractor shall provide nine (9) unmarked vehicles. Payment for the Work shall be based on the unit prices contained in the Seminole County Sheriff's Department Contract. By mutual agreement contractor and City has agreed to modify section 4, rental rates the minimum volume pricing from \$25,000 quarterly to \$6,000 quarterly.
3. The Seminole County Sheriff's Department Contract is amended as follows:
 - (a) The City's Police Chief or his designee shall supervise and control Contractor's work under this Contract.
 - (b) Contractor shall comply with the terms and conditions of any and all federal, state and local permits, which may be required for the work to be performed. The City shall be responsible for obtaining all other permits at the City's cost.
 - (c) Notices.

approved for
execution by
City / ER -
12-03 Legal

All notices, requests, demands and other communications required under this Contract shall be in writing and deemed delivered if delivered in person, by telefax, by overnight courier or by certified or registered mail:

- (i) If by City, to: Michael J. Chitwood
Police Chief
Daytona Beach Police Department
129 Valor Boulevard
Daytona Beach, FL 32114
Fax: (386) 671-5105
- (ii) If to Contractor, to: Mr. Jacob B. Romig
Senior Business Rental Sales Executive
Enterprise Leasing Company of Orlando, LLC
(Enterprise)
5442 Hoffner Avenue
Orlando, FL 32812
Fax: (321) 206-2004

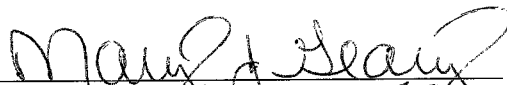
- (d) Assignment. Contractor shall not assign, transfer, delegate or in any other manner dispose of its rights, privileges or obligations under this contract, without the written consent of the City.
- (e) The term of the contract shall commence upon execution and shall terminate on September 30, 2012.

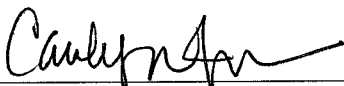
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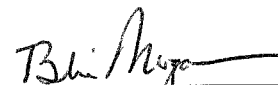
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as of the day and year set forth beside each parties' signatures below.

WITNESSES:

Enterprise Leasing Company of Orlando, LLC
(Enterprise)


Printed name: Mary J. Gentry


Printed name: Carolyn Jordan

By: 
Printed Name: Brian Mogauro
Title: VP/CM

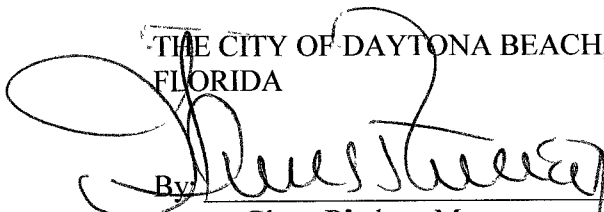
(must be pres. or vice pres.)

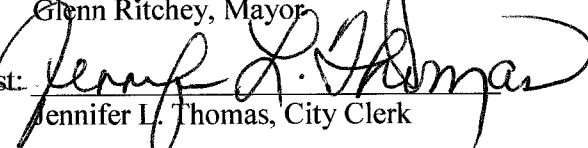
ENTERPRISE LEASING CO
OF ORLANDO
5442 Hoffner Ave
Orlando, FL 32812

[affix corporate seal]

Date: 12/21/11

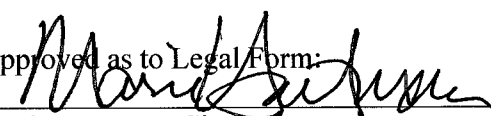
THE CITY OF DAYTONA BEACH,
FLORIDA


By: Glenn Ritchey, Mayor

Attest: 
Jennifer L. Thomas, City Clerk

Date: January 4, 2012

Approved as to Legal Form:


Marie Hartman, City Attorney

Rodriguez, Evelyn

From: Jackson, Anthony
Sent: Thursday, December 29, 2011 4:07 PM
To: Rodriguez, Evelyn
Subject: FW: Lease of PD vehicles
Attachments: doc20111229135307.pdf

Evelyn,

I have reviewed the referenced agreement and I approve it as being in legal form.

Anthony E. Jackson
Assistant City Attorney/Police Legal Advisor
Daytona Beach Police Department
129 Valor Boulevard
Daytona Beach, FL 32114
(386) 671-5115 (fax) 671-3363

From: Rodriguez, Evelyn
Sent: Thursday, December 29, 2011 1:55 PM
To: Jackson, Anthony
Subject: Lease of PD vehicles

Please let me know if the attached agreement is in good legal form so that it can be processed with the authorizing resolution next week. Thanks.