

**STATEMENT OF BUDGET IMPACT**  
**(Policy Number 94-45)**  
**Budgetary Review of Proposed Resolution &**  
**Ordinances with Financial Implication.**

**Date:** March 2, 2016

BIS 16-112

**File:** TMP-2016-083

**Proposed Legislation:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE TERMINATION OF THE AGREEMENT WITH TYLER TECHNOLOGIES INC. FOR ENERGOV SOFTWARE; AND APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED TERMINATION AGREEMENT AND MUTUAL RELEASE BETWEEN THE CITY AND TYLER TECHNOLOGIES, INC.

**Statement of Budget Impact:**

1.  No Budget Impact associated with this action;
2.  Sufficient resources are identified /available;
3.  Budgetary resources not identified/unavailable;
4.  Potential revenue is possible with this action;
5.  Will not increase the cost of Housing;
6.  May increase the cost of Housing; (CDAB review required)

**Explanation:**

This Resolution seeks to authorize the execution of a Termination Agreement and Mutual Release between Tyler Technologies, Inc. and the City.

On June 18, 2014, the City Commission passed and adopted Resolution No. R-2014-160, which authorized the execution of an Agreement with Tyler Technologies, Inc. for the purchase of Energov, a plan review, permitting, code enforcement, business license and fire inspection system. In accordance with Section 38.40(C)(5) of the City's Purchasing Ordinance, the City piggybacked on the Town of Jupiter Agreement with Tyler Technologies, executed on January 2013, to procure and execute this Agreement, effective June 18, 2014, for a not to exceed amount of \$650,000.00.

Upon reevaluation of the Agreement and scope of services by the City's new IT Director, it was determined to suspend the implementation of the Energov software for convenience. The software was deemed insufficient for the City's full utilization, did not seamlessly integrate with other City systems, and would require additional unbudgeted expenditures to customize the system in the attempt to make it functional.

Article VI, Section 6.1(C) of the Town of Jupiter Agreement allows for the termination of the licenses by mutual agreement of the parties, and Tyler Technologies, Inc. and the City have agreed to execute the attached Termination Agreement and Mutual Release. Tyler Technology, Inc. has also agreed to provide a refund to the City of \$82,510.80, which represents payment of the final 30% of the obligated licensing fee payment.

Section 38.48(A) of the City's Purchasing Ordinance states that when a contract is entered into by the City pursuant to City Commission approval and is terminable by the city without cause, only the City Commission is authorized to terminate the contract without cause; provided, however, that any termination without cause shall require at least a five-sevenths (5/7ths) affirmative vote of the City Commission.

Cancellation of this Agreement will not provide significant financial impact to the City.

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