

**CITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM**

TO: Mayor and Commissioners **DATE:** October 12, 2021

FROM: Douglas R. Gonzales, City Attorney

SUBJECT: Proposed Grant Agreement with the Florida Department of Environmental Protection to receive resilient grant funding.

I have reviewed the above referenced Agreement with the participating Department/Office(s), and the proposed general business terms and other significant provisions are as follows:

- 1) Department/Division involved – Dept. of Design, Construction and Management
- 2) Type of Agreement – Grant Agreement
- 3) Method of Procurement (RFP, bid, etc.) – n/a
- 4) Term of Contract:
 - a) initial – commences upon execution and expires 6/30/22
 - b) renewals (if any) – none
 - c) who exercises option to renew – n/a
- 5) Contract Amount – \$294,997.80. Funding is provided on a reimbursement basis.
- 6) Termination Rights – for convenience or for cause. (See paragraph 13 of the agreement).
- 7) Indemnity/Insurance Requirements – Yes, each party will be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained in said provision shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, F.S.
- 8) Scope of Services – The Florida Dept. of Environmental Protection (“FDEP”) has awarded resiliency grant funds to the City for the development of construction documents related to Phase II Holland Park Tidal Barrier and Living Shoreline Project.
- 9) Other Significant Provisions: FDEP’S liability is limited to compensatory damages in the amount no greater than the sum of the unpaid balance due for goods or services rendered pursuant to and in compliance with this agreement. Such liability is limited to a cap of \$100,000.00.

cc: Dr. Wazir Ishmael, City Manager