

**ITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM**

TO: Mayor and Commissioners **DATE:** March 2, 2022

FROM: Douglas R. Gonzales, City Attorney

SUBJECT: Proposed Blanket Purchase Agreement with Aclara Technologies, LLC for the purchase of star fixed network automatic meter reading system single port and dual port meter transmission units

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 Public Utilities
- 2) Type of Agreement – Blanket Purchase Agreement
- 3) Method of Procurement (RFP, bid, etc.) – **Best Interest.** Pursuant to Section 38.41(C)(9) of the City's Procurement Code, the City Commission may, when in the best interest of the City, **by a 5/7ths vote**, waive competitive bidding and competitive proposal requirements for the purchase of, and contract for goods, supplies, materials, equipment or services; and
- 4) Term of Contract:
 - a) initial – 3/16/22 through 3/15/23
 - b) renewals (if any) – yes, two additional one year renewals.
 - c) who exercises option to renew – mutual.
- 5) Contract Amount – In an amount not to exceed \$372,140.76
- 6) Termination Rights – Buyer, acting through its City Manager or his/her designee, reserves the right to terminate this order In whole or in part for default (a) if Seller fails to perform In accordance with any of the requirements of this order; or (b) If Seller becomes insolvent or suspends any of its operations or if any petition is filed or proceeding commenced by or against Seller under any State or Federal Law relating to bankruptcy, reorganization, receivership or assignment for the benefit of creditors. Any such termination will be without liability to Buyer except for completed Items delivered and accepted by the Buyer. Seller, will be liable for excess costs of reprocurement.
- 7) Indemnity/Insurance Requirements – Yes.

- 8) Scope of Services – Aclara will provide star fixed network automatic meter reading system single port and dual port meter transmission units.
- 9) Other Significant Provisions: n/a
- cc: Dr. Wazir Ishmael, City Manager