

**CITY OF HOLLYWOOD  
INTEROFFICE MEMORANDUM**

**TO:** Mayor and Commissioners **DATE:** March 4, 2019  
**FROM:** Douglas R. Gonzales, City Attorney  
**SUBJECT:** Proposed Agreement with the South Broward Hospital District d/b/a Memorial Healthcare System

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I have discussed the above Agreement with the participating Department/Office, and the proposed general business terms and other significant provisions are as follows:

- 1) Department/Division involved – Parks, Recreation and Cultural Arts
  - 2) Type of Agreement – Agreement for the Donation of Outdoor Fitness Equipment
  - 3) Method of Procurement (RFP, bid, etc.) – n/a
  - 4) Term of Contract
    - a) initial – 7 years or until the end of the useful life of the equipment, as determined by the City
    - b) renewals (if any) – n/a
    - c) who exercises option to renew – n/a
  - 5) Contract Amount – \$13,382.00 for excavation, concrete and permitting fees
  - 6) Termination Rights – Either party may terminate with cause if the party in breach has not corrected the breach within 10 days after the receipt of written notice from the aggrieved party identifying the breach. The Agreement may also be terminated for convenience by the City Commission. Termination for convenience by the City Commission shall be effective on the termination date stated in written notice provided by City, which termination date shall be not less than 30 days after the date of such written notice.
  - 7) Indemnity/Insurance Requirements – Nothing in the Agreement is intended to serve as a waiver of sovereign immunity by any party nor shall anything included by construed as consent to be sued by third parties in any matter arising out of the Agreement of any other contract. The parties are state agencies or a political subdivision ad defined in Chapter 768.28, Florida Statutes, and each party shall be fully responsible for the acts and omissions of its respective agents or employees to the extent permitted by law.
  - 8) Scope of Services – Contractor shall donate the equipment outlined in Exhibit C of the Agreement.
  - 9) Other Significant Provisions – Location: Hollywood Broadwalk located at Johnson Street.
- cc: Dr. Wazir Ishmael, City Manager