

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED END USER LICENSE AGREEMENT BETWEEN THE CITY OF HOLLYWOOD AND SIMPLIVITY CORPORATION.

WHEREAS, on May 4th, 2016, with R-2016-118, City Commission approved the purchase of two (2) SimpliVity Hyper-converged server platforms with accessories to consolidate older model servers into a smaller number of hyper converged virtual servers; and

WHEREAS, consolidating IT components into a single optimized platform with centralized management enables increased utilization, lower costs and a more robust and redundant server platform; and

WHEREAS, SimpliVity Corporation requires that the City enter into the attached End User License Agreement (“EULA”), which provides that the City will indemnify SimpliVity in the event the City misuses the product that is the subject of the EULA and SimpliVity is sued as a result; and

WHEREAS, the SimpliVity EULA was not brought to the attention of the City until after the procurement of the two SimpliVity Servers at the point of installation of the required software; and

WHEREAS, City Policy requires City Commission approval whenever the City indemnifies another, based on the theory that when the City indemnifies another, the City is potentially assuming a liability that it would not otherwise have and the amount of that potential liability is unlimited;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby approves and authorizes the execution, by the appropriate City officials, of the attached EULA between SimpliVity Corporation. and the City of Hollywood, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

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Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY