

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE FIRST AMENDMENT TO THE MASTER SERVICES AGREEMENT WITH COMCAST COMMERCIAL SERVICES, LLC. FOR THE CONTINUED OPERATION AND MAINTENANCE OF THE CITY'S INSTITUTIONAL NETWORK FOR A FIVE YEAR TERM AT AN ANNUAL ESTIMATED AMOUNT OF \$360,000.00, PLUS AN ADDED 15 PERCENT FOR FUTURE INSTALLATIONS, UPGRADES AND MISCELLANEOUS COSTS IN AN ESTIMATED AMOUNT OF \$2,000,000.00.

WHEREAS, the City entered into an agreement with Comcast Commercial Services, LLC. ("Comcast") on June 5, 2013 (R-2013-149) for the operation and maintenance of the City's Institutional Network (I-Net) for a term of five years with five one-year optional renewal periods; and

WHEREAS, the City is currently in the first optional renewal period, which will expire on June 10, 2019; and

WHEREAS, in order for the City to ensure current operations are uninterrupted the City must continue to maintain the City's I-Net; and

WHEREAS, under the new five year agreement, in addition to providing capacity for future capital projects, the City has negotiated more favorable rates; and

WHEREAS, City network services will not be interrupted whether there is a continuation of the existing contract, or the proposed agreement is authorized; and

WHEREAS, Comcast is the only vendor that can provide point to point fiber for City use without additional costs by utilizing an existing infrastructure that does not require further build out; and

WHEREAS, Purchasing Ordinance 38.40 (C) (8) provides that purchases of and contracts for supplies or contractual services, when the City Commission declares by a five-sevenths (5/7ths) affirmative vote that competitive bidding is not in the best interest of the City, are exempt from the competitive bidding process; and

WHEREAS, based on Section 15 (d) of the City's Non-Exclusive Cable Franchise Agreement with AT&T, which was subsequently transferred to Comcast, the City entered into an Agreement with AT&T to install, operate, and maintain an I-Net; and

WHEREAS, both the Franchise Agreement and the I-Net Agreement expired in July of 2007; and

WHEREAS, on May 18, 2007, Governor Crist signed legislation that would preclude counties and municipalities from renewing or entering into franchise agreements with providers of video services; and

WHEREAS, on June 20, 2007, the City Commission passed and adopted Resolution No. R-2007-196, which authorized the execution of a Network Services Agreement and First Rider solely for the operation and maintenance of the City's I-Net removing all references to the Cable television franchise agreement; and

WHEREAS, funding has been appropriated in the Department of Information Technology's Fiscal Year 2019 Operating Budget in account number 557.130102.51900.641020.000000.000.000.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in the Resolution.

Section 2: That it approves and authorizes the issuance, by the appropriate City officials, of the attached First Amendment to Master Services Agreement with Comcast Commercial Services, LLC, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC, CITY CLERK

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

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DOUGLAS R. GONZALES, CITY ATTORNEY