

**CITY OF HOLLYWOOD  
INTEROFFICE MEMORANDUM**

**TO:** Mayor and Commissioners

**DATE:** August 12, 2016

**FROM:** Jeffrey P. Sheffel  
City Attorney

**SUBJECT:** Proposed API Software License Agreement between Neptune Technology Group, Inc. for utilization with the Neptune Advance Metering Infrastructure Equipment

---

I have reviewed the above captioned agreement for form and legality. The general business terms and other significant provisions are as follows:

- 1) Department/Division involved – Dept. of Public Utilities
- 2) Type of Agreement – Software License Agreement
- 3) Method of Procurement (RFP, bid, etc.) – **Best Interest pursuant to Section 38.40(C)(8), City’s Purchasing Ordinance.**
- 4) Term of Contract
  - a) initial – Agreement comes into effect on the Effect Date and **provided that the annual maintenance fee is paid by City.**
  - b) renewals (if any) – Based upon (a) then the agreement will extend for an initial 1 year from the Effective Date and will automatically renew for additional one year successive one year periods.
  - c) who exercises option to renew – n/a
- 5) Contract Amount – Software license fee is \$3,500.00 plus Professional Services/hour based upon 8 hours (see Exhibit “B”) for breakdown (These fees are included in the total purchase price with Sunstate Meters).
- 6) Termination rights – Either party may terminate without cause upon 30 days written notice at any time during the Initial Term or any Renewal Term. Neptune may terminate upon 10 days prior written notice for failure of City to pay any amount due pursuant to the Agreement.
- 7) Indemnity/Insurance Requirements – none
- 8) Scope of Services - To provide the software and professional service (training) related to the equipment.
- 9) City’s prior experience with Vendor (if any) – Yes.
- 10) Other significant provisions – none

cc: Wazir A. Ishmael, Ph.D., City Manager