

RESOLUTION NO. R-2019-321

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE ISSUANCE OF A BLANKET PURCHASE ORDER WITH THE BROWARD SHERIFF'S OFFICE FOR THE PURCHASE OF MEDICAL SUPPLIES, FIRE EQUIPMENT AND JANITORIAL SUPPLIES IN THE ESTIMATED AMOUNT OF \$150,000.00.

WHEREAS, the Fire Rescue and Beach Safety Department requires an agreement for the supply and delivery of medical, fire equipment and janitorial supplies for use by Fire Rescue personnel; and

WHEREAS, the provision of emergency services by the Department requires the purchase and maintenance of medical, fire equipment and janitorial supplies vital to its operation in accordance with the Department's State of Florida Emergency Medical License; and

WHEREAS, the Broward County Sheriff's Office ("BSO") has established a program to allow governmental entities to purchase medical, fire equipment and janitorial supplies directly from the Sheriff at their cost without mark ups or handling fees; and

WHEREAS, BSO utilizes the same Florida Regional EMS protocols as our emergency service units, and BSO supplies are delivered within 24 hours; and

WHEREAS, the medical, fire equipment and janitorial supplies are provided "as is" with all faults, and BSO makes no representations or warranties regarding the fire and medical supplies; and

WHEREAS, BSO requires all governmental entities that desire to participate in this program to execute a release and waiver of liability form, which was executed on December 5, 2016 and remains in full force and effect for all purchases made under the program; and

WHEREAS, the City's Fire Rescue and Beach Safety Department desires to participate in such a program; and

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

WHEREAS, BSO has been supplying the Department with medical and janitorial supplies for many years; and

WHEREAS, Procurement staff submitted documentation to BSO for annual services, and due to staff turn-over at BSO, the documentation for continuance of services was delayed, and therefore, the Blanket Purchase Order is established for a one year period with coverage from October 19, 2019 through October 18, 2020; and

WHEREAS, the Fire Chief and the Director of Procurement & Contract Compliance recommend that the City Commission authorize the issuance of a Blanket Purchase Order with BSO in the approximate amount of \$150,000.00 and the execution of the release and waiver of liability form; and

WHEREAS, funding for the Blanket Purchase Order has been appropriated and exists in Account Numbers: 001.215101.52200.552320; 001.215101.52200.546310; 001.215101.52200.552310, and will be requested in subsequent fiscal years.

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 this Resolution.

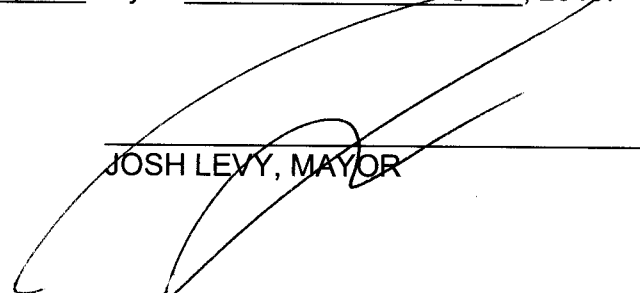
Section 2: That it approves and authorizes the issuance, by the appropriate City officials, of a Blanket Purchase Order with the Broward Sheriff's Office, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That it ratifies the execution, by the appropriate City officials, of the attached Release and Waiver of Liability Form with the Broward Sheriff's Office, 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.

RESOLUTION AUTHORIZING THE PURCHASE OF MEDICAL SUPPLIES, FIRE EQUIPMENT AND JANITORIAL SUPPLIES IN THE ESTIMATED AMOUNT OF \$150,000.00.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 6 day of November, 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.



DOUGLAS R. GONZALES
CITY ATTORNEY 

**SHERIFF OF BROWARD COUNTY, FLORIDA
RELEASE AND WAIVER OF LIABILITY
PURCHASE OF FIRE AND MEDICAL SUPPLIES AND/OR MAINTENANCE
AND REPAIR SERVICES FOR FIRE AND RESCUE EQUIPMENT**

NOTICE: This Release and Waiver of Liability Form when signed is a contract with legal consequences. PLEASE READ IT CAREFULLY BEFORE SIGNING!

TO THE SHERIFF OF BROWARD COUNTY: In consideration of the opportunity afforded to the undersigned entity to participate in a program established by the Sheriff to allow the entity to purchase fire and medical supplies directly from the Sheriff and/or purchase maintenance and repair services for its fire and rescue equipment from the Sheriff, the entity makes the following contractual representations and agreements:

The entity understands that the fire and medical supplies are provided "as is" with all faults and BSO makes no representations or warranties, either expressed or implied, regarding the fire and medical supplies, including the warranty of merchantability and fitness for a particular purpose.

The entity AGREES TO ASSUME THE RISKS associated with the procurement, use, maintenance or storage of the supplies and/or the maintenance and repair services for its fire and rescue equipment.

The entity RELEASES and forever discharges the released parties defined below, of and from all liabilities, claims, actions, damages, costs or expenses of any nature arising out of or in any way connected with the procurement, use, maintenance or storage of the supplies and/or the maintenance and repair services for its fire and rescue equipment and further agrees, to the extent permitted by law, to indemnify and hold harmless each of the released parties against any and all such liabilities, claims, actions, damages, costs or expenses, including, but not limited to, attorney's fees.

The released parties are BSO, the Sheriff of Broward County, and his employees, agents and servants.

I understand that this release and indemnity agreement includes, to the extent permitted by law, any liabilities, claims, actions, damages, costs or expenses incurred as a result of the negligence, actions or inaction of any of the above released parties and covers bodily injury and property damage.

The entity has read the above provisions, fully understands the terms, and understands that it is giving up substantial rights by signing this document and has signed it freely and without any inducement or assurance of any nature and intends it to be a complete and unconditional release of such rights to the greatest extent allowed by law and agrees that, if any portion of this agreement is held to be invalid, the balance notwithstanding shall continue in full force and effect.

In entering this agreement, I represent that I have had a reasonable opportunity to seek and select legal advice and have relied upon the advice of my own legal representative,

who is an attorney of my own choice, or have voluntarily chosen not to seek the advice of an attorney, and that the terms of this agreement have been completely read and that those terms are fully understood and voluntarily accepted by me.

This Waiver and Release of Liability once executed by an individual authorized by the entity shall be deemed continuing in nature and shall remain in full force and effect for all purchases made by the entity under the program. This Waiver and Release of Liability shall be effective as of the date of execution as shown below.

Name of Entity

CITY OF HOLLYWOOD

Wazir Ishmael, Ph.D.
[Print Name]

By: [Signature]

5 day of Dec, 2016

By: _____

ATTEST
Witnesses Signatures:

By: [Signature]

APPROVED AND CONFIRMED LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF HOLLYWOOD, FLORIDA ONLY

BY: [Signature]

CITY ATTORNEY

09