

**CITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM**

TO: Mayor and Commissioners **DATE:** April 11, 2023

FROM: Douglas R. Gonzales, City Attorney

SUBJECT: Proposed Purchase Order to Arroyo Process Equipment Company,
for Aeration Train Mixers.

I have reviewed the above referenced Agreement with the participating Department/Office(s), and the proposed general business terms and other significant provisions are as follows:

- 1) Department/Division involved – Public Utilities
- 2) Type of Agreement – Purchase Order
- 3) Method of Procurement (RFP, bid, etc.) – (Sole Source) Section 38.41(C)(2) of the City's Procurement Code exempts sole- source goods, supplies, materials, equipment and services, such as unique, patented, or franchised goods, supplies, materials, equipment or services, from the competitive bid requirements if the Chief Procurement Officer determines after conducting a good faith review of available sources, that the particular supply or service is available from one source
- 4) Term of Contract:
 1. a) initial –
 2. b) renewals (if any) – n/a
 - c) who exercises option to renew – n/a
- 5) Contract Amount – \$282,996.00
1. 6) Termination Rights – Buyer, acting through its City Manager or his/her designee, reserves the right to terminate this order In whole or in part for default (a) if Seller fails to perform In accordance with any of the requirements of this order or (b) If Seller becomes insolvent or suspends any of its operations or if any petition is filed or proceeding commenced by or against Seller under any State or Federal Law relating to bankruptcy, reorganization, receivership or assignment for the benefit of creditors. Any such termination will be without liability to Buyer except for completed Items delivered and accepted by the Buyer. Seller, will be liable for excess costs of reprocurement.
- 7) Indemnity/Insurance Requirements – Seller shall indemnify, hold harmless and defend Buyer, its officers, employees and agents from and against any and all claims, damages, liability, judgments or causes of action, including costs, expenses and attorney fees, incurred as a result of any

error, omission or negligent act by the Seller, its officers, employees, agents, subcontractors or assignees arising out of this order.

8) Scope of Services – To purchase Aeration Train Mixers for the mixing of microorganisms with sewer water to remove Biological Oxygen Demand (BOD) during the wastewater treatment process at the Southern Regional Wastewater Treatment Plant (SRWWTP)

9) Other Significant Provisions: n/a

cc: George R. Keller, City Manager