

**CITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM**

TO: Mayor and Commissioners **DATE:** April 24, 2019

FROM: Douglas R. Gonzales, City Attorney

SUBJECT: Proposed Purchase Order and Addendum to Purchase Order with Andritz Separation, Inc. for the Belt Filter Press Rolls Rehabilitation Project at the Southern Regional Wastewater Treatment Plant

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 and Addendum to Purchase Order
- 3) Method of Procurement (RFP, bid, etc.) – **Best Interest. Section 38.40(C)(8) of the Purchasing Ordinance requires a 5/7ths vote.**
- 4) Term of Contract:
 - a) initial – 90 calendar days from the Notice to Proceed Date.
 - b) renewals (if any) – n/a
 - c) who exercises option to renew – n/a
- 5) Contract Amount – In the amount of \$370,336.00
- 6) Termination Rights – For cause, however, pursuant to Addendum to the Purchase Order, vendor has ability to cure within five days of notice of default.
- 7) Indemnity/Insurance Requirements – Yes, in accordance with modification to indemnification provision set forth in the Addendum to the Purchase Order.
- 8) Scope of Services – Vendor will rehabilitate the belt filter press rolls at the Southern Regional Wastewater Treatment Plant.
- 9) Other Significant Provisions: In accordance with the Addendum to the Purchase Order the following provisions have been added: (a) Express Warranty which requires the exclusion of implied damages; and (b) a Limitation of Liability provision which requires an aggregate cap for damages and an exclusion of consequential damages.

cc: Dr. Wazir Ishmael, City Manager