

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE EXISTING AST MASTER SERVICES AGREEMENT AND RELATED ORDERING DOCUMENTS FOR THE ORACLE ENTERPRISE RESOURCE PLANNING SOFTWARE (PREVIOUSLY APPROVED BY RESOLUTION NO. R-2017-265), IN ORDER TO PURCHASE AN ORACLE COMMUNITY DEVELOPMENT SUITE SOFTWARE TO REPLACE OUTDATED SOFTWARE FOR THE BUILDING DIVISION IN THE DEPARTMENT OF DEVELOPMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$559,975.00 FOR THE FIRST YEAR; DECLARING THAT IT IS IN THE BEST INTEREST OF THE CITY TO WAIVE COMPETITIVE BIDDING PURSUANT TO SECTION 38.40(C)(8) OF THE PURCHASING ORDINANCE.

WHEREAS, in 2016, the City initiated a program to update all outdated software systems to End Duplication and Gain Efficiencies ("EDGE"); and

WHEREAS, on September 6, 2017, the City Commission, passed and adopted Resolution No. R-2017-265, authorizing the appropriate City officials to negotiate and execute a Master Service Agreement ("MSA") with AST, LLC. ("AST"), based upon RFP-4542-17-PB, to implement an Oracle Enterprise Resource Planning ("ERP") system with modules for the City's Budget, Finance, Procurement and HR departments; and

WHEREAS, the MSA with AST, executed on November 30, 2017, allowed for a Statement of Work and a Payment Schedule that included Software and Services fees to be included in a more defined, Cloud Services Agreement ("End User Agreement"); and

WHEREAS, under Section 2 of the 2017 MSA with AST, Oracle is authorized by AST to develop and work with the City in an Early Adopter program to meet the existing and future needs of the Department of Development Services; and

WHEREAS, the proposed Amended MSA provides an updated Statement of Work, a Payment Schedule that includes Software and Services Fees, and an updated End User Agreement for Oracle's Early Adopter Software for Development Services; and

WHEREAS, the Director of Development Services has determined that it is necessary to continue to replace legacy software systems with a more robust and integrated solution, by utilizing a cloud based platform to improve core functions, including remote data input and retrieval, special projects tracking, and complex reports creation; and

WHEREAS, the Director of Development Services and the Director of Procurement and Contract Compliance have determined that it is in the City's best interest to expand the current Oracle ERP modules with additional compatible and integrated modules for its operational needs within the Building Division; and

WHEREAS, the Director of Development Services and the Director of Procurement and Contract Compliance view this effort as a best interest based upon the following: Oracle is a global market leader in ERP software for midsize enterprises, Oracle's early success integrating the City's Core ERP functions, the City's desire to have a unified software source and the significant cost savings the City will receive as an early adaptor while also being able to customize the operational needs of Development Services; and

WHEREAS, as Oracle has been intricately involved with the City's implementation of the ERP system, the implementation of the new modules and platform would be best served by retaining Oracle to assist in this project; and

WHEREAS, the agreement with Oracle allows the City to purchase the Community Development Suite software for an initial term of one year with the option to renew for nine additional one year renewal periods; and

WHEREAS, the total aggregated cost for the initial term is \$559,975.00, inclusive of software license fees; and

WHEREAS, a payment schedule has been established as the project will be done in phases as more specifically set forth in the amendment agreement; and

WHEREAS, the proposed amendment to the agreement provides that if the City opts to renew the agreement annually, the renewal inclusive of software license fees and post product support fees shall be in the annual amount set forth in the Amended Master Service Agreement - Exhibit C; and

WHEREAS, the Building Division is responsible for the cost of the capital software and will be responsible for 90% of the licenses, and the Planning and Urban Design will be responsible for 10% of the licenses annually; 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, the Director of Development Services and the Director of Procurement and Contract Compliance recommend that the City Commission approve and authorize the execution of the attached amended agreement with AST; and

WHEREAS, funding has been provided pursuant to Resolution R-2020-____, which authorized an Amendment to the various Budgets for Fiscal Year 2020 and included funding for this project; and

WHEREAS, award is subject to the City receiving all insurance documentation and endorsements required and approved by the City's Risk Manager, along with signed statements of Hold Harmless and Indemnity in favor of the City.

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 execution, by the appropriate City officials, of the attached amendment to the Master Services Agreement and related ordering documents with AST, 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 _____, 2020.

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

