Legislation Details (With Text)

File #:	R-2016-176	**Version:** 1	**Name:**	Simplivity End User License Agreement Indemnification
Type:	Resolution		**Status:**	Passed
File created:	5/31/2016		**In control:**	Department of Information Technology
On agenda:	6/15/2016		**Final action:**	6/15/2016
Title:	A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached End User License Agreement Between The City Of Hollywood And Simplivity Corporation.			
Sponsors:				
Indexes:				
Code sections:				
Attachments:	1. Simplivityeula.pdf, 2. SIMPLIVITY CORPORATION OMNICUBE END USER LICENSE AGREEMENT.pdf, 3. tersimplivity.pdf			

Date	Ver.	Action By	Action	Result
6/15/2016	1	Regular City Commission Meeting	adopt	Pass

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached End User License Agreement Between The City Of Hollywood And Simplivity Corporation.

Staff Recommends: The approval of the Attached Resolution.

Explanation:

The Department of Information Technology (IT) desires to accept the End User License Agreement for already purchased Simplivity Servers authorized by Commission on 5/4/16 with R-2016-118. The Simplivity servers were purchased for the purpose of consolidating mission critical city servers and providing data and operational resiliency and failover capabilities in a virtualized environment. These systems include proprietary software for which acceptance of Simplivity's terms is required but was not brought to the City's attention during the procurement process. Specifically, the indemnification terms are being brought to commission's attention and caters to the situation where the City potentially misuses the Simplivity product to infringe the intellectual property of another product, resulting in a claim made against Simplivity for infringement. Since City policy requires City Commission approval whenever the City indemnifies another entity, this action is needed. By allowing the indemnification of Simplivity in the request, the City would accept responsibility for its potential misuse of Simplivity's products.

Recommended for inclusion on the agenda by:
Dr. Wazir Ishmael, City Manager
George Keller, Assistant City Manager/Finance & Administration
Mirtha Dziedzic, Interim Director, Financial Services
Raheem Seecharan, Director, Information Technology
Paul Bassar, Contract Compliance Officer, Office of the City Manager