



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: October 15, 2013

TITLE: Motion to approve a revised form of agreement for lockbox services –
Contract 733-11224

Recommendation

It is recommended that the City Commission approve a revised form of agreement, in substantially the form attached, for a three-year agreement, for the purchase of lockbox services to Intuition Systems, Inc. d/b/a Bill2Pay.

Background

At its July 2, 2013 (CAM 13-0859, Pur-6) the City Commission approved a three-year contract for lockbox services. Approval is now requested for the agreement, in substantially the form attached, in which revisions have been negotiated with the vendor, and which deviates from the City's standard form as follows:

General Conditions section VI.

A., Indemnification:

The contractor agrees to indemnify the City only against losses arising directly out of any negligent act or negligent omission, which excludes indemnification for other types of acts or omissions such as intentional or reckless acts or omissions.

N. Assignment and Performance:

The contractor's liability for and indemnification of the City against the contractor's subcontractors' acts and omissions is limited to losses arising directly out of any negligent act or negligent omission, which excludes other types of acts or omissions such as intentional or reckless acts or omissions.

T. Limitation of Liability:

Rather than limiting the contractor's potential recovery against the City to \$1,000, which is in the City's standard form, this agreement provides for the City's maximum liability of \$75,000 annually.

Please see the referenced sections.

Resource Impact

There is no fiscal impact to the City.

Attachment

Exhibit 1 – Agreement

Prepared by: Richard Ewell, Procurement Specialist II
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Department Director: Douglas R. Wood, Finance