

TAB 3



# City of Palmetto Agenda Item

**Meeting Date**

11/5/12

**Presenter:** **Jim Freeman**

**Department:** City Clerk

**Title: BIS Digital Maintenance Agreement**

BIS Digital is the hardware and Software company that the City uses to record meeting minutes of the Commission meetings. The attached agreement/invoice is the annual service agreement for the system. This service agreement allows the City to call the vendor whenever we need technical assistance with the system. The total annual cost is \$993.68 and it is budgeted in the IT's budget. The invoice/agreement is attached for your review. This invoice/agreement was initially signed and processed as it was budgeted in the current year. Technically, this an agreement that should be signed by the Mayor even though it is a budgeted item. As such, I am putting it on the consent agenda to ratify the expenditure and have the Mayor sign the document.

|                         |       |                           |    |                          |       |                            |          |
|-------------------------|-------|---------------------------|----|--------------------------|-------|----------------------------|----------|
| <b>Budgeted Amount:</b> | 1,200 | <b>Budget Page No(s):</b> | 99 | <b>Available Amount:</b> | 1,200 | <b>Expenditure Amount:</b> | \$993.68 |
|-------------------------|-------|---------------------------|----|--------------------------|-------|----------------------------|----------|

**Additional Budget Info** There is sufficient funds for the design work. Once bids are received for the construction, a budget amendment will be required from CRA.

|                           |  |                                    |  |                                   |  |                |  |
|---------------------------|--|------------------------------------|--|-----------------------------------|--|----------------|--|
| <b>Funding Source(s):</b> |  | <b>Sufficient Funds Available:</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <b>Budget Amendment Required:</b> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <b>Source:</b> |  |
|---------------------------|--|------------------------------------|--|-----------------------------------|--|----------------|--|

|                                |  |                                       |  |                         |   |  |
|--------------------------------|--|---------------------------------------|--|-------------------------|---|--|
| <b>City Attorney Reviewed:</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> N/A | <b>Advisory Board Recommendation:</b> | <input type="checkbox"/> For<br><input type="checkbox"/> Against<br><input type="checkbox"/> N/A | <b>Consistent With:</b> | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> N/A |  |
|--------------------------------|--|---------------------------------------|--|-------------------------|---|--|

**Potential Motion/ Direction Requested:** Motion to approve and authorize the Mayor to sign the BIS Digital Maintenance Agreement totaling \$993.68 for a term ending 11/16/2013.

**Staff Contact:** Jim Freeman

**Attachments:** Invoice/agreement

# BIS Digital

Integrating Excellence™



Business Information Systems, Inc  
1350 NE 56<sup>th</sup> Street, Suite 300 Ft. Lauderdale, FL 33334  
Phone: 954-493-7377 Fax: 954-493-6541

Wednesday, September 12, 2012

City of Palmetto (FL)  
516 8th Ave. West  
Palmetto, FL 34220-1209

Attn: Jim Freeman

RE: BIS Digital Support Agreement Renewal

**Annual Contract Term: 11/17/2012 – 11/16/2013**  
**Account #: PAL901**  
**Contract #: 13-11-A-58815**  
**Amount Due: \$993.68**  
**Invoice #: 64416**

Dear Mr. Freeman:

Enclosed please find your full service contract renewal agreement for the coming year.

Please sign the enclosed agreement, keeping a copy for your records, and return the original to us with your purchase order and payment. To place your contract in effect as soon as possible, you may fax your contract renewal to us at 954-493-6541.

Please remember, without a contract in place, our current per call rates will be in effect. For continuous coverage, an immediate response is greatly encouraged. Our terms are payable in advance, and will reflect a due date of: 10/16/12 (Any equipment or options added during the contract year are prorated and added at the conclusion of warranties.)

Thank you for the opportunity to serve all of your recording and transcription needs. If you have any questions please feel free to contact me at 800-834-7674 Ext.4527 or via email [Erica.Michael@bisdigital.com](mailto:Erica.Michael@bisdigital.com)

Best regards,

Erica Michael  
BIS Digital, Inc.

Enclosures



## Recording System Support Agreement

*Between:*

**BIS Digital, Inc.**  
1350 NE 56<sup>th</sup> Street, Suite 300  
Fort Lauderdale, FL 33334-6142  
Phone: (800) 834-7674  
Fax: (877) 858-5611  
Email: support@bisdigital.com

*And:*

**City of Palmetto (FL)**  
516 8th Ave. West  
Palmetto, FL 34220-1209  
Phone: (941) 723-4570  
Contract #: 13-11-A-58815

BIS Digital, Inc. or its appointed service representative agrees to provide system support for the software and hardware listed below, in accordance with the terms and conditions of this agreement.


I. **TERMS AND CONDITIONS**


- A. The term of this agreement is for a period of (12) months from the effective date. Either party upon written receipt, with a ninety 90-day notice, may cancel this agreement. In the event of early termination of service agreement, BIS Digital, Inc will refund monies based upon contract amount prepaid by customer less actual cost of service provided during abbreviated term, or pro rated amount based upon time remaining in contract term rounded to end of month of termination, whichever is less.
- B. The agreement entitles the USER to 24 hours per day, 7 days per week telephone support and on-site support Mon- Fri (8am – 5pm EST) on covered items..
- C. User training: This agreement covers all users training at the user's site during the term of agreement at mutually agreed upon times.
- D. This support agreement is for the USERS integrated system. Any changes or enhancement will be billed for additionally.
- E. Charges for maintenance and support for reasons outside of BIS Digital control, arising from neglect, negligence, misuse, acts of god or modifications to, or failures of systems software and/or hardware not covered under this contract resulting in corruption of BIS Digital software setup/configuration shall be billed at BIS Digital published rates.

2. **COVERAGES**

- A. DCR Software (all BIS Digital supplied licenses). This support agreement is for the USERS current DCR Software version. The USER is not obligated to upgrade since support is available for previous versions. DCR Software Assurance, which provides for all new feature and function upgrades, are billed for at an additional \$300/yr per system. BIS Digital will provide on-line user training as well as on-line diagnosis and repair (web connection required).
- B. Hardware (all BIS supplied Tower PC's, Servers and Video and Telco Interface Boards). BIS will provide replacement or repair. BIS Digital will repair or replace system critical parts at customer site. Customer will be responsible for shipping defective part to BIS Digital. \* Special Note: CPU and Motherboards on computers over 48 months old may no longer be available causing the computer to be obsolete. In this event, BIS will provide a \$300 computer replacement credit.
- C. Hardware Accessories (Digital Mixers, PA components, Microphones, Hearing Impaired Devices, USB Foot Controls). BIS Digital will provide replacement or repair. Customer will be responsible for shipping defective unit to BIS Digital. BIS Digital will replace or repair and ship back to customer.

Initials:

  
BIS Digital

  
Customer



Business Information Systems, Inc  
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- D. Excluded Hardware (Laptop Computers, All Display Monitors and Headsets). BIS Digital will handle repairs via Manufacturer's warranties (ie: Dell, Toshiba,) but will offer no extended warranties directly.
  - E. On-Site BIS Digital Technical Support. BIS Digital will provide on-site technicians for emergency service during normal working hours at no charge. Emergency is defined to be a complete system down.
3. CUSTOMER RESPONSIBILITY
- A. A proper backup of all data on a regular interval.
  - B. A USER appointed systems administrator to act as a liaison with the support department.
4. CONFIDENTIALITY
- A. BIS Digital, Inc. agrees that all data that may be entered into the system is strictly confidential and shall remain the property of the USER. Business Information Systems shall not, without prior written consent, disclose to any third party any such data acquired in connection with this agreement or any other services.
5. PAYMENT
- A. Invoices shall be sent once per year and payment shall be due in full upon receipt.
  - B. At Business Information Systems option, support coverage may be halted for non-payment of any invoice greater than sixty (60-days) beyond the due date.
6. LIABILITY
- A. In no event shall Business Information Systems, Inc. be liable for any direct or indirect losses or damages, or any other claims arising in connection with this agreement to the USER, including loss of data or earnings due to equipment down time.
  - B. Business Information Systems sole responsibility with respect to the maintenance and support shall be limited to those outlined in this agreement.
  - C. The laws of the State of Florida shall govern this agreement and any litigation shall occur in Broward County, Florida.

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This contract covers the following equipment

Purchased on Inv# 58815 / PO# 910010  
Installed on 11/16/2009:

- \* DCR2 - 2ch Digital Audio/ Video Recording Software with Word Integration for Laptop w/ Software Assurance (1)
- \* USB Digital Audio Mixer {s/n: 0909C1106 & 0909C1107}
- \* P44 Condenser Boundary Microphone (3)
- \* CD/DVD Archive Software (1)
- \* USB Foot Pedal (1)

Initials:

BIS Digital Customer

# BIS Digital

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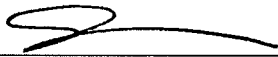
The terms and conditions stated herein form the complete agreement between the parties. Please note: Any additions to this agreement (new systems) will be prorated to coincide with this contract.

Start Date: 11/17/2012  
End Date: 11/16/2013  
Annual Cost: \$993.68  
Contract #: 13-11-A-58815  
Invoice #: 64416

Accepted By:

BIS Digital, Inc.

City of Palmetto (FL)

  
By Steve Coldren

  
By

President  
Title

  
Title

September 12, 2012  
Date

  
Date

Initials:

  
BIS Digital Customer