

RESOLUTION NUMBER 24-59

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH AUTHORIZING THE TOWN MANAGER TO PURCHASE SOFTWARE NEEDED FOR THE TOWN'S WATER UTILITY SYSTEM IN THE AMOUNT OF \$43,685.00 LITY SOLUTION, INC. REPRESENTING AN INITIAL STARTUP FEE OF \$15,250.00 AND MONTHLY CHARGES OF \$1,800.00 FOR THE FIRST YEAR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town is requesting approval to purchase software from Continental Utility Solution, Inc. for use in our Water Utilities Department as our designated billing software; and

WHEREAS, the purchase of the software requires an initial one-time fee of \$15,250.00 and monthly charges of \$1,800.00 for a one-year period, which cumulatively exceeds the Town Manager's spending authority without Town Council approval; and

WHEREAS, without this software purchase, the Town will continue to have issues with the system not communicating with our finance program and the Lee County Utility Program. The Town's existing software does not produce reports needed to monitor our billing process accurately, programming is very difficult and customer service is lacking; and

WHEREAS, the Town Council has determined it is in the best interest of the Town to approve the requested purchase order.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby approves the purchase order and authorizes the Town Manager or his designee to execute any documentation related to the purchase order, which is attached hereto as "Attachment A."

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King and seconded by Vice Mayor Atterholt, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 1st day of April 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL


Dan Allers (Apr 2, 2024 15:59 EDT)

Dan Allers, Mayor

ATTEST:


Amy Baker (Apr 3, 2024 10:30 EDT)

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**


Nancy Stuparich (Apr 2, 2024 21:04 EDT)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 2nd day of April 2024.

Sales Representative: **Tanner Ezell**

P. O. Box 1515

Jonesboro, AR 72403

www.cusi.com

(870) 336-3334

Quote #: te240314104548

Sales Agreement

March 14, 2024



Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL
33931

Mark Ashton
(239) 478-6163

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Economic Summary

	Up-Front	Monthly
Utility Billing Software as a Service		\$1,055.00
Utility Billing Solution - Implementation Services	\$15,250.00	
Customer Web Portal		\$0.00
Miscellaneous Services	\$0.00	\$75.00
Hosting Services	\$0.00	\$670.00
Third Party Software & Services	\$1,000.00	
Total	\$16,250.00	\$1,800.00

Billing and Payment Terms

CUSI Up-Front fees shall be invoiced upon contracting. CUSI Software as a Service License fees shall be invoiced upon provisioning of the hosted environment and annually thereafter. CUSI Cloud Hosting Service fees shall be invoiced upon activation of the hosted environment, monthly until Go Live, and annually thereafter. Any Software as a Service License fees purchased after initial Go Live shall be invoiced upon contracting. All invoices shall be delivered electronically on or before the first of the month in which payment is due. Company shall remit payment 15 days from date of invoice.

Initial Contract Term: 5 Years Software as a Service and Cloud Hosting Service.



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UB4 Utility Billing Software as a Service - Monthly Fees

Monthly

3,500 Service Location Licenses	\$0.12	\$420.00
5 Named User Licenses	\$52.00	\$260.00
5 Field Service Licenses	\$23.00	\$115.00

UB4 Utility Billing Software Core Modules & Interfaces

Included

- 1 ACH Bank Draft (First Layout Included)
- 1 Lockbox Layout (First Layout Included)
- 1 Electronic Payment Module
- 1 Website API - Customer Web Portal

Add-On Modules

Monthly

1 IVR Module	\$52.00	\$52.00
1 Text Messaging Module	\$52.00	\$52.00

Standard Flat File Data Exchange Interfaces

Monthly

1 Accounting Interface - MIP Abila	\$52.00	\$52.00
1 Advanced Metering Interface (AMI) - Neptune	\$52.00	\$52.00

Standard API Data Exchange Interfaces

Monthly

1 Third Party Printing API - OSG	\$52.00	\$52.00
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UB4 Utility Billing Software Implementation Services

1	Advanced Data Conversion Package for up to 3,500 locations* Includes 1 year data conversion of customers, locations, usages, readings, deposits, meter information, owner records and backflow data. <small>*Complete data must be provided in a ASCII, delimited, or SQL format. Data extraction and data cleanup will be invoiced based upon time and effort at CUSI current services rate. CUSI will invoice client the greater of the number of service locations provided in this Sales Agreement or the actual number of service locations converted.</small>	\$1.50	\$5,250.00
1	CUSI Certified Implementation Includes Business Requirements Gathering, Application Implementation, Installation, Setup, Formatting, Testing, Transition Support, & Project Management	\$6,000.00	\$6,000.00
2	Days of CUSI Certified Training Includes application training for all users as contracted Any and all unused training days will expire 6 months after Go Live	\$2,000.00	\$4,000.00

Travel expenses for on-site work will be billed separately.



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Economic Summary

UB4 Utility Billing Software as a Service - Monthly Fees	\$1,055.00
UB4 Utility Billing Software Implementation Services	\$15,250.00



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Customer Web Portal		Monthly
1 Customer Web Portal	\$42.00	\$42.00
Includes Design, Setup, Configuration, and Training Services.		
1 Customer Web Portal - TSM & Hosting	\$166.67	\$166.67
Includes Technical Support, Maintenance, and Hosting.		



Economic Summary

Customer Web Portal	\$42.00
Customer Web Portal - TSM & Hosting	\$166.67
CUSI Turnkey Merchant Services Customer Web Portal Discount	-\$42.00
CUSI Turnkey Merchant Services TSM & Hosting Discount	-\$166.67



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Miscellaneous Services

Turnkey Merchant Services

billed by provider

- | | | |
|---------------------------------------------------------------------------|------|-----------------|
| 1 Turnkey Merchant Services Package - Service fee will be the greater of: | 2.5% | per transaction |
|---------------------------------------------------------------------------|------|-----------------|

Includes Visa, MasterCard, Discover Merchant Services, and Payment Gateway Service. Figures based on an Average Bill Estimate of \$150 and a High Bill Estimate of \$400. Average bill estimate and service fee subject to annual review. CUSI reserves the right to bill a minimum monthly fee of \$20.00 to recover any losses from inactive merchant accounts or accounts that do not cover fixed processing costs.

In conjunction with the Turnkey Merchant Services, CUSI is providing software licenses at no cost. In the event that client terminates Turnkey Merchant Services, any and all software licenses provided at no cost shall be billable at then current retail price.

- | | | |
|-----------------------------------------------------|--|--|
| 1 Turnkey Merchant Service Electronic Check Package | | |
|-----------------------------------------------------|--|--|

Internet Electronic Check Transactions

2.5% per transaction

Turnkey Merchant Services fees are paid by utility customers and collected by CUSI.

Online Bank Account Validation - eChecks and ACH Signup

- | | | |
|--------------------------------------------------------------|--------|-----------------|
| 1 CUSI Validation Service - Account and Routing Verification | \$1.50 | per transaction |
| 1 CUSI Validation Service - Balance Check | \$0.20 | per transaction |

IVR Service - UB4

- | | |
|-----------------------------------------------|-------------------------|
| 1 CUSI IVR Service - Inbound and Outbound IVR | Unlimited Monthly Usage |
|-----------------------------------------------|-------------------------|

If requirements cannot be met for \$0 CUSI IVR Services, a new Sales Agreement for IVR Tech and associated services may be required to void and replace this service.

Text Messaging Service

- | | |
|---------------------------------------------------------|-------------------------|
| 1 CUSI SMS Messaging Service - Inbound and Outbound SMS | Unlimited Monthly Usage |
|---------------------------------------------------------|-------------------------|



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Email Service

1 CUSI Email Service - Unlimited	\$75.00	per month
Monthly cost subject to change based on customer tier		



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Hosting Services

UB4 Hosted Environment		Monthly
1 UB4 Hosted Environment	\$670.00	\$670.00
Service Term - Five-year		

CUSI's hosting services rates are subject to periodic review. Any change in rates will be communicated to the client in writing 30 days prior to the change going into effect.

It is understood that all software license commitments will be equal to or greater than any cloud hosting service commitments as defined above.



Economic Summary

UB4 Hosted Environment	\$670.00
Total	\$670.00



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Third Party Software & Services

Third Party Printing Service - OSG

	Upfront
1 One-Time API Fee	\$500.00
1 One-Time Implementation Fee	\$500.00
1 Utility Bill	Price/Per
<ul style="list-style-type: none"> Paper - White, 8.5 x 11, 24 lb. Processing components - color ink, duplex printed, processing, printing, folding, inserting, delivery to USPS. Envelopes - #10 outer envelope #9 remit envelope NCOA, CASS, LACS, DPV – Addressing - All addresses updated per USPS requirements for pre-sort. Address report supplied to the County for all addresses that updated or failed. Required service. Householding - Combines like name and addresses for postal savings MailTrek – Mail tracking service providing real time updates on the progress of the mail delivery. 	\$0.235

Postage will be invoiced at cost and will be the best possible achievable rate



Economic Summary

Third Party Printing Service - OSG

\$0.00



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Total \$0.00



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Terms of Sale

Company has ordered and agrees to purchase from CUSI the products and services defined under this Sales Agreement at the listed quantities and rates. Upon receipt of an executed Sales Agreement CUSI shall ship all products to the Company address and contact defined above and services shall be scheduled and initiated. Company acknowledges that CUSI's products and services are subject to the terms and conditions of a separate Software License Agreements and Services Agreements between Company and CUSI located at www.cusi.com/legal. Monthly or yearly rates for services provided by CUSI or third parties may be subject to price increases with or without notice. Any service requiring CUSI or third parties to travel will incur corresponding expenses that will be billed actual as incurred unless otherwise noted. Travel requiring more than 5 hours of travel time will be billed an additional charge equal to 50% of the daily rate. If Company is not tax exempt or does not provide exemption documentation, CUSI shall invoice for such applicable taxes on each invoice. In the event the tax exemption documentation provided by the Company is disallowed or deemed invalid, Company agrees to pay in full all such taxes, including any applicable interest or penalties.

CUSI's hosting services rates are subject to periodic review. Any change in rates will be communicated to the client in writing 30 days prior to the change going into effect. Future purchases of incremental software licenses, add on modules and add on interfaces are subject to an adjustment of the software as a service rate and will take effect the month following installation and configuration of such license. Any adjustments to the software as a service rate will be documented in a Sales Agreement subject to final execution by client.

Quotation Terms

This quote is valid until 04/13/2024. Quote was created using Sales Agreement Version: 2024.01.22

Execution Instructions

Execute, date, and email all pages to CUSI sales representative. Include Tax Exempt Certificate and Sign Off page from Pre-Sale Implementation Guide.



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Purchaser Authorization

I certify that as the person signing this form I have purchasing authority for Town of Fort Myers Beach.

Tax Exempt Status

Initial where appropriate:

X	This entity IS EXEMPT from sales tax and will provide or has provided our exemption certificate
	This entity IS NOT EXEMPT from sales tax

Print Name: Andrew Hyatt

Title: Town Manager

Authorized Signature: 
Andrew Hyatt (Apr 2, 2024 14:00 EDT)

Date: April 2, 2024