

**RESOLUTION NO. 2009 - 045**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE FIRST MODIFICATION TO THE AGREEMENT WITH RHON ERNEST-JONES CONSULTING ENGINEERS, INC. FOR TOWN INFRASTRUCTURE MANAGEMENT SERVICES, PARTICULARLY AS IT RELATES TO VERTICAL CONSTRUCTION; EXTENDING THE AGREEMENT UNTIL APRIL 30, 2009; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on June 22, 2004, in furtherance of Florida Statutes § 287.055, the Town published a request for letters of interest seeking qualified vendors for the Town's Infrastructure Management Services; and

**WHEREAS**, on November 10, 2004 the Town Council approved the ranking of the responses and ranked Rhon Ernest-Jones Consulting Engineers, Inc. ("Consultant"), as one of the highest ranked firms for the Town's Infrastructure Management Services; and

**WHEREAS**, on December 9, 2004, and pursuant to Resolution No. 2005-025, the Town Council approved an agreement with Consultant to provide Infrastructure Manager Services for vertical construction; and

**WHEREAS**, this agreement expired on March 3, 2009; and

**WHEREAS**, Consultant has been an integral participant in the planning phases of the Town's Public Safety/Municipal Complex; and

**WHEREAS**, the Town wishes to maintain continuity through this critical project; and

**WHEREAS**, in order to give the Town additional time to finalize an amendment to the Consultant's agreement, the Town desires to extend Consultant's agreement through April 30, 2009; and

**WHEREAS**, this Resolution and the attached First Modification to the Agreement seek to effectuate the extension as described herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida:

**Section 1.** The above referenced recitals are true and correct and are incorporated herein by reference.

**Section 2.** The Town Council hereby approves the First Modification to its agreement with Rhon Ernest-Jones Consulting Engineers, Inc., which extends the term of the Agreement until April 30, 2009, as specifically delineated in Exhibit "A", which has been attached hereto and is incorporated by reference.

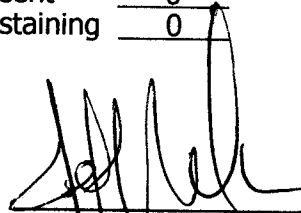
**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the First Modification to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 4.** That this Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 19<sup>th</sup> day of March 2009, on a motion by Council Member Doug McKay and seconded by Vice Mayor Steve Breitkreuz.

Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Fisikelli	<u>Y</u>
Knight	<u>Y</u>
McKay	<u>Y</u>

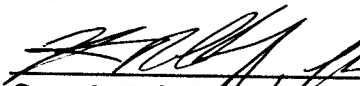
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

  
\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Gary A. Poliakoff, J.D., Town Attorney  
FTL\_DB: 1175247\_1

**EXHIBIT "A"**

**FIRST MODIFICATION TO AGREEMENT**

**THIS FIRST MODIFICATION TO AGREEMENT** entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2009 between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and Rhon Ernest-Jones Consulting Engineers, Inc., a corporation of the State of Florida ("Consultant"), for the purpose of extending the Agreement between the Town and Consultant effective March 3, 2005 (the "Original Agreement").

**WITNESSETH:**

**WHEREAS**, on December 9, 2004, and pursuant to Resolution No. 2005-025, the Town Council approved an agreement with Consultant to provide Infrastructure Manager Services for vertical construction; and

**WHEREAS**, this agreement expired on March 3, 2009; and

**WHEREAS**, Consultant has been an integral participant in the planning phases of the Town's Public Safety/Municipal Complex; and

**WHEREAS**, the Town wishes to maintain continuity through this critical project; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the Town to extend the agreement between the Town and Consultant to allow for finalization of an amendment to Consultant's agreement; and

**WHEREAS**, Town and Consultant are both desirous of extending their agreement until April 30, 2009.

**NOW THEREFORE**, for and in consideration of the premises and for Ten Dollars (\$10.00) and for other good and valuable consideration the receipt and sufficiency whereof is hereby acknowledged, the parties hereto agree that the Original Agreement shall be amended as follows:

1. The foregoing recitals are true and correct.
2. Section 4.1 of Section 4 "TERM" shall be amended to read as follows:

4.1 TOWN and CONSULTANT agree that this Agreement shall be in full force and effect until April 30, 2009 ~~for a period of four (4) years~~, commencing upon the Effective Date of this Agreement, which shall be the date the last party signs this Agreement. Based upon the approval of the Town Council, this Agreement may be extended for additional time periods.

3. All other terms and conditions not modified herein shall remain of full force and effect and binding on the parties.

**IN WITNESS WHEREOF**, this Extension and Modification is accepted and executed as of the \_\_\_\_\_ day of March, 2009.

TOWN OF SOUTHWEST RANCHES

RHON ERNEST-JONES CONSULTING  
ENGINEERS, INC.

\_\_\_\_\_  
Jeff Nelson, Mayor

\_\_\_\_\_  
Rhon Ernest-Jones, President

Attest:

\_\_\_\_\_  
Susan A. Owens, CMC, Town Clerk

\_\_\_\_\_  
Witness

Approved as to form and correctness:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Gary A. Poliakoff, Town Attorney