

**RESOLUTION NO. 2009 - 060**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE FIRST MODIFICATION TO THE AGREEMENT WITH MILLER LEGG & ASSOCIATES, INC.; REVISING THE HOURLY RATE SCHEDULE; AMENDING THE AGREEMENT TO REQUIRE THE ISSUANCE OF PURCHASE ORDERS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, at the April 28, 2004 Town Council workshop, the Council reviewed the proposed elements and costs for the development of the Town's future capital development plan; and

**WHEREAS**, the Town Council in coordination with the Town Administrator determined that contract engineers were needed on Town staff to assist in the development of the Town's future capital development plan; and

**WHEREAS**, on August 18, 2004 the TOWN opened six responses to its request for letters of interest; and

**WHEREAS**, on October 19, 2004, after reviewing the packages, at an advertised public hearing, the Town's Selection and Negotiation Committee ("SNC") voted to shortlist to four vendors; and

**WHEREAS**, on November 3, 2004, at an advertised public hearing, the four vendors made presentations and answered questions posed by the SNC; and

**WHEREAS**, following all of the presentations the SNC deliberated and ranked the vendors as a recommendation to the Town Council; and

**WHEREAS**, on November 10, 2004, the Town Council approved the ranking of the responses and ranked the firm of Miller Legg & Associates, Inc. as the highest rank firm; and

**WHEREAS**, pursuant to Resolution No. 2005-023, the TOWN and CONSULTANT entered into this Agreement on March 9, 2006; and

**WHEREAS**, Consultant and Town have agreed to a revised hourly rate schedule and to require the issuance of purchase orders; and

**WHEREAS**, this Resolution and the attached First Modification to the Agreement seek to effectuate the modification of the hourly rates schedule 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 the Agreement between the Town of Southwest Ranches and Miller Legg & Associates, Inc., which revises Miller Legg's hourly rates and requires the issuance of purchase orders.

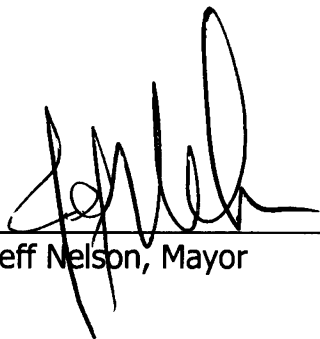
**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the First Modification to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary 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 16<sup>th</sup> day of April 2009, on a motion by Council Member Aster Knight and seconded by Council Member Doug McKay.

Nelson	<u>Y</u>	Ayes	<u>5</u>
Breitkreuz	<u>Y</u>	Nays	<u>0</u>
Fisikelli	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
McKay	<u>Y</u>		

**[Signatures on Following Page]**



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Jeff Nelson, Mayor


ATTEST:



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Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



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Gary A. Poliakoff, J.D., Town Attorney  
FTL\_DB: 1184641\_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 Miller Legg & Associates, Inc., a corporation of the State of Florida ("Consultant"), for the purpose of modifying the Agreement between the Town and Consultant effective March 9, 2006 (the "Original Agreement").

**WITNESSETH:**

**WHEREAS**, at the April 28, 2004 Town Council workshop, the Council reviewed the proposed elements and costs for the development of the Town's future capital development plan; and

**WHEREAS**, the Town Council in coordination with the Town Administrator determined that contract engineers were needed on Town staff to assist in the development of the Town's future capital development plan; and

**WHEREAS**, on August 18, 2004 the TOWN opened six responses to its request for letters of interest; and

**WHEREAS**, on October 19, 2004, after reviewing the packages, at an advertised public hearing, the Town's Selection and Negotiation Committee ("SNC") voted to shortlist to four vendors; and

**WHEREAS**, on November 3, 2004, at an advertised public hearing, the four vendors made presentations and answered questions posed by the SNC; and

**WHEREAS**, following all of the presentations the SNC deliberated and ranked the vendors as a recommendation to the Town Council; and

**WHEREAS**, on November 10, 2004, the Town Council approved the ranking of the responses and ranked the firm of Miller Legg & Associates, Inc. as the highest rank firm; and

**WHEREAS**, pursuant to Resolution No. 2005-023, the TOWN and CONSULTANT entered into this Agreement on March 9, 2006; and

**WHEREAS**, Consultant and Town have agreed to a revised hourly rate schedule and to require the issuance of purchase orders; and

**WHEREAS**, this First Modification to the Agreement seek to effectuate the modification of the hourly rates schedule as described herein.

**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. EXHIBIT "B" is deleted in its entirety and replaced by EXHIBIT "B", which has been attached hereto and is incorporated herein by reference.
3. Section 3.5 of Section 3 "COMPENSATION" shall be created to read as follows:

3.5 CONSULTANT shall be required to obtain a written Work Order by the Town Administrator or designee in advance of CONSULTANT providing any Work to the Town. The Work Order shall specify the nature of the Work requested, the estimated not to exceed cost to the Town for same, and the timeframe for completion. All Work performed by CONSULTANT without a written Work Order shall be performed at CONSULTANT'S sole cost and expense.

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

**[Signatures on Following Page]**

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

TOWN OF SOUTHWEST RANCHES

MILLER LEGG & ASSOCIATES, INC.

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

\_\_\_\_\_  
Michael D. Kroll, Vice President

Attest:

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

\_\_\_\_\_  
Witness

Approved as to form and correctness:

\_\_\_\_\_  
Witness

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

FTL\_DB: 1184641\_1