

RESOLUTION NO. 2015-055

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE TOWN'S NEW AGREEMENT WITH C.A.P. GOVERNMENT, INC. FOR PLANS REVIEW AND BUILDING INSPECTION SERVICES, TO EXTEND THE CONTRACT FOR AN ADDITIONAL THREE YEAR TERM AND CLARIFYING THE TOWN'S FEE FOR PROJECTS VALUED IN EXCESS OF \$25,000,000; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 30, 2006, the Town, in compliance with the Town's procurement procedures, published a Request for Proposals ("RFP") seeking Plans Review and Building Inspection Services; and

WHEREAS, on September 7, 2006, pursuant to Resolution No. 2006-096 the Town Council approved the ranking of the CSA Southeast, Inc. and authorized the Town Administrator to negotiate an agreement with CSA Southeast, Inc.; and

WHEREAS, on September 1, 2006 CSA Southeast, Inc. changed their name through the Florida Department of State to C.A.P. Government, Inc. (hereinafter "CAP"); and

WHEREAS, on October 5, 2006, pursuant to Resolution No. 2007-001, the Town Council approved an Agreement with CSA Southeast, Inc. for plans review and building inspection services; and

WHEREAS, the Town has extended the contracts with CAP for building department services via Resolutions 2010-009, 2010-031, 2010-036, 2011-045, 2011-038, 2012-10; and

WHEREAS, on March 8, 2012, pursuant to Resolution No. 2012-028, the Town Council approved a new three year Agreement with CAP, with an optional three year extension; and

WHEREAS, both CAP and the Town desire to exercise the three year extension, and to clarify the Agreement as it pertains to projects valued in excess of \$25,000,000; and

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

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

Section 2. The appropriate Town Officials are hereby authorize to execute the First Modification to the Town's Agreement between C.A.P. Government Inc. for plans review and building inspection services, in the form attached hereto as Exhibit "A" with such non-material changes as may be approved by the Town Administrator and Town Attorney.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 25th day of June, 2015, on a motion made by C/M McKay and seconded by C/M Breitkreuz.

Nelson
Fisikelli
Breitkreuz
Jablonski
McKay

Absent
Yes
Yes
Yes
Yes

Ayes
Nays
Absent
Abstaining

4
0
0
0

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff
Keith M. Poliakoff, J.D., Town Attorney

FIRST MODIFICATION TO THE AGREEMENT

THIS IS THE SECOND MODIFICATION TO AGREEMENT entered into as of this 25th day of June, 2015, between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and C.A.P. Government Inc. ("CAP"), a Florida corporation, for the purposes of amending the Agreement between the Town and CAP, dated April 2, 2012.

WITNESSETH:

WHEREAS, on July 30, 2006, the Town, in compliance with the Town's procurement procedures, published a Request for Proposals ("RFP") seeking Plans Review and Building Inspection Services; and

WHEREAS, on September 7, 2006, pursuant to Resolution No. 2006-096 the Town Council approved the ranking of the CSA Southeast, Inc. and authorized the Town Administrator to negotiate an agreement with CSA Southeast, Inc.; and

WHEREAS, on September 1, 2006 CSA Southeast, Inc. changed their name through the Florida Department of State to C.A.P. Government, Inc. (hereinafter "CAP"); and

WHEREAS, on October 5, 2006, pursuant to Resolution No. 2007-001, the Town Council approved an Agreement with CSA Southeast, Inc. for plans review and building inspection services; and

WHEREAS, the Town has extended the contracts with CAP for building department services via Resolutions 2010-009, 2010-031, 2010-036, 2011-045, 2011-038, 2012-10; and

WHEREAS, on March 8, 2012, pursuant to Resolution No. 2012-028, the Town Council approved a new three year Agreement with CAP, with an optional three year extension; and

WHEREAS, both CAP and the Town desire to exercise the three year extension, and to clarify the Agreement as it pertains to projects valued in excess of \$25,000,000; and

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 of which is hereby acknowledged, the parties hereto agree that the Original Agreement shall be amended as follows:

1. The foregoing recitals are true and correct, and are incorporated herein by reference.
2. Article 3 entitled "Terms of Agreement", Section 3.1 shall be amended to read as follows:

ARTICLE 3
TERMS OF AGREEMENT

3.1 This Agreement shall become effective on March 1, 2012 (the Effective Date), and shall continue in full force and effect through March 1, 2018, ~~for thirty-six (36) months~~, with an additional three (3) year extension, as may be modified, to be approved by the TOWN and CAP, unless earlier terminated in accordance with paragraph 3.2 hereof.

3. Article 4 entitled "Compensation," Section 4.3 shall be amended to read as follows:

.....

For projects valued in excess of twenty-five million dollars (\$25,000,000.00), the Town and the applicant have the right to negotiate a fee schedule specific to the project, but in no event shall the fee be lower than what is specified herein. The Town, at its sole discretion, may utilize the services of CAP or of another provider, on a case by case basis, but shall be required to utilize the services of the Building Official.

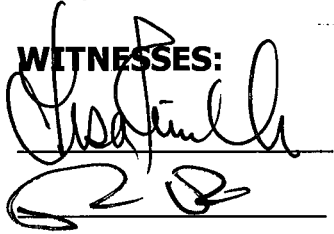
.....

4. All other terms and conditions not modified herein shall remain in full force and effect.


IN WITNESS WHEREOF, this Second Modification to the Agreement is

accepted and executed as of this 25th day of ~~May~~^{June}, 2015

WITNESSES:

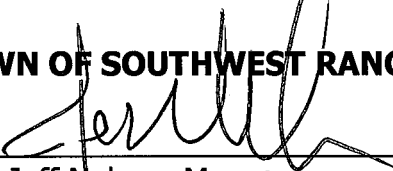


CONTRACTOR:
C.A.P. GOVERNMENT, INC.

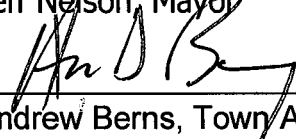
By: 

Mr. Carlos A. Penin, President

TOWN OF SOUTHWEST RANCHES

By: 

Jeff Nelson, Mayor

By: 

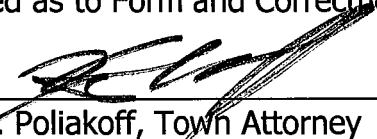
Andrew Berns, Town Administrator

ATTEST:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, Town Attorney