

RESOLUTION 2017-064

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RATIFYING THE TOWN ADMINISTRATOR'S EXECUTION OF THE THIRD MODIFICATION TO THE AGREEMENT WITH A SUPERIOR TOWING, INC., FOR POST STORM DISASTER TOWING AND WRECKING SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 7th, 2009, pursuant to Resolution No. 2009-062, the Town Council approved an Agreement with A Superior Towing Company to provide wrecker and towing services to the Town; and

WHEREAS, the initial Agreement expired on May 22, 2012; and

WHEREAS, on May 24th, 2012, pursuant to Resolution No. 2012-053, the Town Council approved the First Modification to the Agreement, which extended the Agreement for an additional three year term, which expired on May 21, 2015; and

WHEREAS, on May 28th, 2015, pursuant to Resolution No. 2015-051, the Town Council approved the Second Modification to the Agreement, which extended contractor's term and increased the Town's rate for the contractor's services; and

WHEREAS, on September 4, 2017, as a result of Hurricane Irma, Governor Scott issued a State of Emergency; and

WHEREAS, on September 7, 2017, the Town of Southwest Ranches issued its own State of Emergency as a result of Hurricane Irma; and

WHEREAS, recognizing that the Town of Southwest Ranches may need post disaster towing and wrecker services, the Town Administrator, using his state of emergency executive powers, amended contractor's agreement to ensure that contractor will be able to provide post disaster relief; and

WHEREAS, this Resolution seeks the Town Council's ratification of the Third Modification to the Agreement;

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

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

Section 2: Authorization. The Town Council hereby ratifies the Third Modification to the Agreement with A Superior Towing, Inc., in substantially the same form as that attached hereto as Exhibit "A."

Section 3: Approval. The Town Council hereby ratifies the authority of the Town Administrator's authority to enter into the Third 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 to effectuate the intent of this Resolution.

Section 4: Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this 13th day of September, 2017 on a motion by

Vice Mayor Breitkreuz and seconded by Council Member Schroeder.

Mckay	<u>Yes</u>
Breitkreuz	<u>Yes</u>
Fisikelli	<u>Yes</u>
Jablonski	<u>Yes</u>
Schroeder	<u>Yes</u>

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

Doug McKay
Doug McKay, Mayor

Attest:

Russell Muñiz
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff
Keith Poliakoff, Town Attorney

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THIRD MODIFICATION TO THE AGREEMENT

THIS IS THE THIRD MODIFICATION TO THE AGREEMENT entered into as of this 7th day of September, 2017, between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and A Superior Towing ("A Superior"), a Florida corporation, for the purposes of amending the Agreement between the Town and A Superior, dated May 22nd, 2009.

WITNESSETH:

WHEREAS, on May 7th, 2009, pursuant to Resolution No. 2009-062, the Town Council approved an Agreement with A Superior Towing Company to provide wrecker and towing services to the Town; and

WHEREAS, the initial Agreement expired on May 22, 2012; and

WHEREAS, on May 24th, 2012, pursuant to Resolution No. 2012-053, the Town Council approved the First Modification to the Agreement, which extended the Agreement for an additional three year term, which expired on May 21, 2015; and

WHEREAS, on May 28th, 2015, pursuant to Resolution No. 2015-051, the Town Council approved the Second Modification to the Agreement, which extended contractor's term and increased the Town's rate for the contractor's services; and

WHEREAS, on September 4, 2017, as a result of Hurricane Irma, Governor Scott issued a State of Emergency; and

WHEREAS, on September 7, 2017, the Town of Southwest Ranches issued its own State of Emergency as a result of Hurricane Irma; and

WHEREAS, recognizing that the Town of Southwest Ranches may need post disaster towing and wrecker services, the Town Administrator desires to amend contractor's agreement to ensure that contractor will be able to provide post disaster relief;

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. A Section entitled "Post Disaster Relief Services" shall be added to read as follows:

POST DISASTER RELIEF SERVICES:

CONTRACTOR shall be authorized to provide all necessary post disaster relief services required by the Town, and as directed by the Town Administrator or by his designee. CONTRACTOR shall keep detailed reports, records, and invoices of all post disaster relief services provided, and shall provide them in a form and format necessary for the Town to receive FEMA reimbursement for same. CONTRACTOR agrees that its fee for such post disaster relief services shall be limited to the amount reimbursed by FEMA, and that it may not look to the Town for additional payment.

IN WITNESS WHEREOF, this Third Modification to the Agreement is accepted and executed as of this 7th day of September, 2017


WITNESSES:



Danielle Cohen

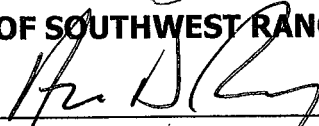
CONTRACTOR:

A SUPERIOR TOWING COMPANY

By: 

Mr. Sean Loscalzo, President

TOWN OF SOUTHWEST RANCHES

By: 

Andrew Berns, Town Administrator
Pursuant to his Emergency Powers

Approved as to Form and Correctness:



Keith M. Poliakoff, Town Attorney

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