

RESOLUTION NO. 2010 - 046

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIFTH MODIFICATION TO THE TOWN'S AGREEMENT WITH RJ BEHAR & COMPANY, INC.; EXTENDING THE AGREEMENT UNTIL AUGUST 5, 2010; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE FIFTH AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 9, 2004, pursuant to Resolution No. 2005-022, the Town Council approved an agreement with RJ Behar & Company, Inc. ("Consultant") to provide Engineering Services to the Town of Southwest Ranches ("Town"), which became effective on March 3, 2005; and

WHEREAS, on February 19, 2009, pursuant to Resolution No. 2009-038, the Town Council approved the First Modification to the Agreement with Consultant, which extended the term of the agreement through March 31, 2009; and

WHEREAS, on March 19, 2009, pursuant to Resolution No. 2009-044, the Town Council approved the Second Modification to the Agreement with Consultant to provide Engineering Services to the Town, which extended the term of the agreement through April 30, 2009; and

WHEREAS, on April 16, 2009, pursuant to Resolution No. 2009-057, the Town Council approved the Third Modification to the Agreement with Consultant, which extended the term through September 30, 2009; and

WHEREAS, the Third Modification to the Agreement also amended the hourly rate schedule and provided for complete cost recovery; and

WHEREAS, on October 1, 2009, pursuant to Resolution No. 2010-002, the Town Council approved the Fourth Modification to the Agreement, which extend Consultant's Agreement through April 1, 2010; and

WHEREAS, the Town has recently concluded its SNC ranking process for engineering services; and

WHEREAS, in order to give the Town sufficient time to finalize its procurement process it desires to extend this Agreement until August 5, 2010.

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 Fifth Modification to its Agreement with RJ Behar & Company, Inc., which extends the term of the Agreement until August 5, 2010, as set forth in Exhibit "A", which has been attached hereto and is incorporated herein by reference.

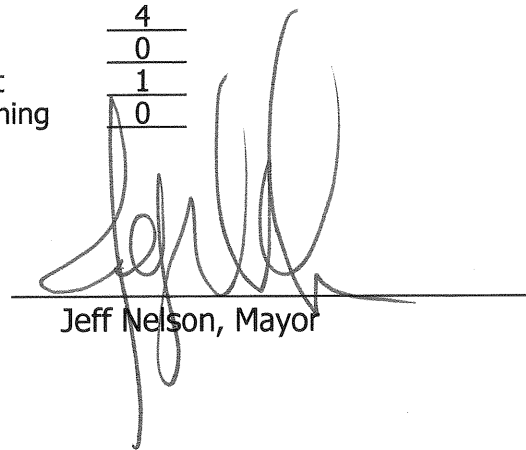
Section 3. The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Fifth Modification to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary 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 1st day of April 2010, on a motion by Council Member Fisikelli and seconded by Council Member Breitkreuz.


Nelson	<u>ABSENT</u>
Knight	<u>AYE</u>
Breitkreuz	<u>AYE</u>
Fisikelli	<u>AYE</u>
McKay	<u>AYE</u>

Ayes	<u>4</u>
Nays	<u>0</u>
Absent	<u>1</u>
Abstaining	<u>0</u>



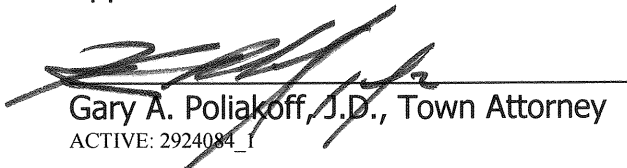
Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
ACTIVE: 2924084_1

EXHIBIT "A"

FIFTH MODIFICATION TO AGREEMENT

THIS FIFTH MODIFICATION TO AGREEMENT entered into as of the 22nd day of April, 2010 between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and RJ Behar & Company, 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, pursuant to Resolution No. 2005-022, the Town Council approved an agreement with RJ Behar & Company, Inc. ("Consultant") to provide Engineering Services to the Town of Southwest Ranches ("Town"), which became effective on March 3, 2005; and

WHEREAS, on February 19, 2009, pursuant to Resolution No. 2009-038, the Town Council approved the First Modification to the Agreement, which extended the term of the agreement through March 31, 2009; and

WHEREAS, on March 19, 2009, pursuant to Resolution No. 2009-044, the Town Council approved the Second Modification to the Agreement with Consultant to provide Engineering Services to the Town, which extended the term of the agreement through April 30, 2009; and

WHEREAS, on April 16, 2009, pursuant to Resolution No. 2009-057, the Town Council approved the Third Modification to the Agreement with Consultant, which extended the term through September 30, 2009; and

WHEREAS, the Third Modification to the Agreement also amended the hourly rate schedule and provided for complete cost recovery; and

WHEREAS, on October 1, 2009, pursuant to Resolution No. 2010-002, the Town Council approved the Fourth Modification to the Agreement, which extend Consultant's Agreement through April 1, 2010; and

WHEREAS, the Town has recently concluded its SNC ranking process for engineering services; and

WHEREAS, in order to give the Town sufficient time to finalize its procurement process it desires to extend this Agreement until August 5, 2010.

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 1~~ August 5, 2010, 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.

22nd **IN WITNESS WHEREOF**, this Extension is accepted and executed as of the April, 2010.

TOWN OF SOUTHWEST RANCHES

RJ BEHAR & COMPANY, INC.




Jeff Nelson, Mayor



Robert J. Behar, President

Attest:



Debra Doré-Thomas, CMC, Town Clerk



Witness

Approved as to form and correctness:



Gary A. Poliakoff, Town Attorney



Witness

ACTIVE: 2924084_1