

RESOLUTION NO. 2010 - 048

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE THIRD MODIFICATION TO THE AGREEMENT WITH MILLER LEGG & ASSOCIATES, INC.; EXTENDING THE AGREEMENT UNTIL AUGUST 5, 2010; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE THIRD 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 ranked firm; and

WHEREAS, on December 9, 2004, pursuant to Resolution No. 2005-023, the Town approved an Agreement with CONSULTANT, which was entered into on March 9, 2006; and

WHEREAS, on April 16, 2009, pursuant to Resolution No. 2009-060, the Town approved the First Modification to this Agreement, which revised the hourly rate schedule and to require the issuance of purchase orders; and

WHEREAS, on October 1, 2009, pursuant to Resolution No. 2010-001, the Town approved the Second Modification to this Agreement, which extended the Agreement until April 1, 2010; and

WHEREAS, the Town desires to extend the Agreement through August 5, 2010 in order to maintain continuity through this project; and

WHEREAS, this Resolution and the attached Third 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 Third Modification to the Agreement between the Town of Southwest Ranches and Miller Legg & Associates, 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.

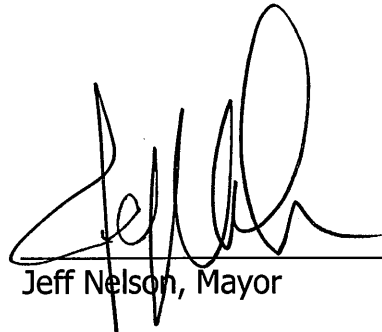
Section 3. The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Third Modification to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary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

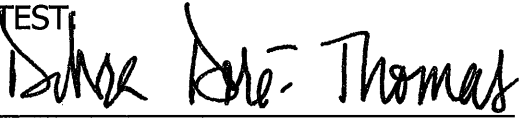
Nelson	<u>ABSENT</u>	Ayes	<u>4</u>
Knight	<u>AYE</u>	Nays	<u>0</u>
Breitkreuz	<u>AYE</u>	Absent	<u>1</u>
Fisikelli	<u>AYE</u>	Abstaining	<u>0</u>
McKay	<u>AYE</u>		

[Signatures on Following Page]



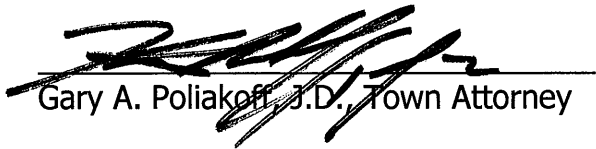
Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

EXHIBIT "A"

THIRD MODIFICATION TO AGREEMENT

THIS THIRD MODIFICATION TO AGREEMENT entered into as of the 26 day of APRIL, 2010 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

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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

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WHEREAS, on October 1, 2009, pursuant to Resolution No. 2010-001, the Town approved the Second Modification to this Agreement, which extended the Agreement until April 1, 2010; and

WHEREAS, the Town desires to extend the Agreement through August 5, 2010 in order to maintain continuity through this project.

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 "TERM" shall be amended to read as follows:

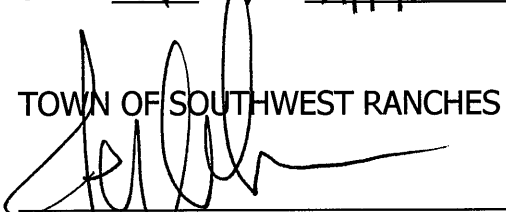
4.1 TOWN and CONSULTANT agree that this Agreement shall be in full force and effect until ~~April 1~~ August 5, 2010. Based upon the approval of the Town Council, this Agreement may be extended for additional time periods.

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

[Signatures on Following Page]


IN WITNESS WHEREOF, this Modification is accepted and executed as of the 26 day of APRIL, 2010.

TOWN OF SOUTHWEST RANCHES




Jeff Nelson, Mayor

MILLER LEGG & ASSOCIATES, INC.




Michael D. Kroll, Vice President

Attest:




Debra Doré-Thomas, CMC, Town Clerk



Witness

Approved as to form and correctness:



Gary A. Poliakoff, Town Attorney
ACTIVE: 2924032_1



Witness