

## RESOLUTION NO. 2010 - 082

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE FIFTH MODIFICATION TO THE AGREEMENT WITH RHON ERNEST-JONES/IBI GROUP, FOR TOWN INFRASTRUCTURE MANAGEMENT SERVICES, PARTICULARLY AS IT RELATES TO VERTICAL CONSTRUCTION; EXTENDING THE AGREEMENT TO JANUARY 18, 2012, TO ALLOW FOR THE COMPLETION OF THE TOWN HALL AND PUBLIC SAFETY FACILITY PROJECTS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIFTH MODIFICATION TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on June 22, 2004, in furtherance of Florida Statutes § 287.055, the Town published a request for letters of interest seeking qualified vendors for the Town's Infrastructure Management Services; and

**WHEREAS**, on November 10, 2004 the Town Council approved the ranking of the responses and ranked Rhon Ernest-Jones Consulting Engineers, Inc. ("Consultant"), as one of the highest ranked firms for the Town's Infrastructure Management Services; and

**WHEREAS**, on December 9, 2004, and pursuant to Resolution No. 2005-025, the Town Council approved an Agreement with Consultant to provide Infrastructure Manager Services for vertical construction; and

**WHEREAS**, in May 2008 Rhon Ernest-Jones Consulting Engineers, Inc. merged with IBI Group forming Rhon Ernest-Jones/IBI group, a division of IBI group; and

**WHEREAS**, on March 19, 2009, pursuant to Resolution 2009-045, the Town Council approved the First Modification to this Agreement, which extended the term through April 30, 2009; and

**WHEREAS**, on April 16, 2009, pursuant to Resolution 2009-059, the Town Council approved the Second Modification to this Agreement, which extended the term through September 30, 2009; and

**WHEREAS**, the Second Modification also reflected the new corporate name, revised the hourly rate schedule and amended the agreement to require the issuance of purchase orders; and

**WHEREAS**, on October 1, 2009, pursuant to Resolution 2010-003, the Town Council approved the Third Modification to this Agreement, which extended the term through April 1, 2010; and

**WHEREAS**, on April 1, 2010, pursuant to Resolution 2010-047, the Town Council approved the Fourth Modification to this Agreement, which extended the term through August 5, 2010; and

**WHEREAS**, Consultant has been an integral participant in the planning phases of the Town's Public Safety/Municipal Complex; and

**WHEREAS**, the Town wishes to maintain continuity through this critical project; and

**WHEREAS**, this Resolution and the attached Fifth Modification to the Agreement seeks to extend Consultant's Agreement through January 18, 2012.

**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.

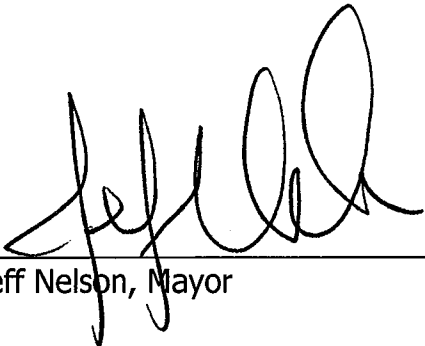
**Section 2.** The Town Council hereby approves the Fifth Modification to its agreement with Rhon Ernest-Jones/IBI group, a division of IBI group, which extends the term of the Agreement until January 18, 2012.

**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 4th day of August 2010, on a motion by Vice Mayor Knight and seconded by Council Member Breitkreuz.

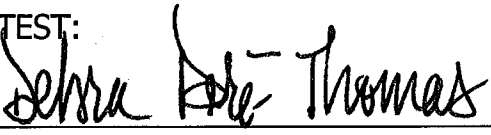
Nelson	<u>AYE</u>	Ayes	<u>4</u>
Knight	<u>AYE</u>	Nays	<u>0</u>
Breitkreuz	<u>AYE</u>	Absent	<u>1</u>
Fisikelli	<u>AYE</u>	Abstaining	<u>0</u>
McKay	<u>Absent</u>		



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Jeff Nelson, Mayor

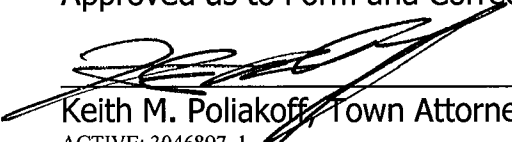
ATTEST:



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Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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Keith M. Poliakoff, Town Attorney  
ACTIVE: 3046897\_1

**EXHIBIT "A"**

**FIFTH MODIFICATION TO AGREEMENT**

**THIS FIFTH MODIFICATION TO AGREEMENT** entered into as of the 4<sup>th</sup> day of AUGUST, 2010 between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and Rhon Ernest-Jones Consulting Engineers, 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 June 22, 2004, in furtherance of Florida Statutes § 287.055, the Town published a request for letters of interest seeking qualified vendors for the Town's Infrastructure Management Services; and

**WHEREAS**, on November 10, 2004 the Town Council approved the ranking of the responses and ranked Rhon Ernest-Jones Consulting Engineers, Inc. ("Consultant"), as one of the highest ranked firms for the Town's Infrastructure Management Services; and

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**WHEREAS**, the Second Modification also reflected the new corporate name, revised the hourly rate schedule and amended the agreement to require the issuance of purchase orders; and

**WHEREAS**, on October 1, 2009, pursuant to Resolution 2010-003, the Town Council approved the Third Modification to this Agreement, which extended the term through April 1, 2010; and

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**WHEREAS**, Consultant has been an integral participant in the planning phases of the Town's Public Safety/Municipal Complex; and

**WHEREAS**, the Town wishes to maintain continuity through this critical project; and

**WHEREAS**, this Resolution and the attached Fifth Modification to the Agreement seeks to extend Consultant's Agreement through January 18, 2012.

**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:

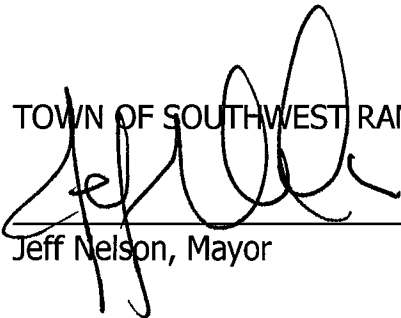
4.1 TOWN and CONSULTANT agree that this Agreement shall be in full force and effect until ~~August 5,~~ January 18, 2012, commencing upon the Effective Date of this Agreement, which shall be the date the last party signs this Agreement. Based upon the approval of the Town Council, this Agreement may 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.

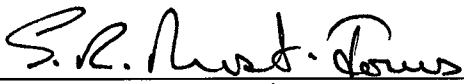
**[Signatures on Following Page]**

**IN WITNESS WHEREOF**, this Extension and Modification is accepted and executed as of the 4<sup>th</sup> day of August, 2010.

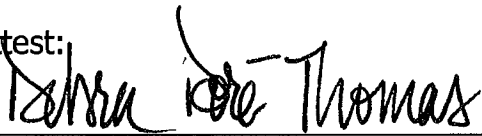
TOWN OF SOUTHWEST RANCHES


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

RHON ERNEST-JONES/IBI GROUP

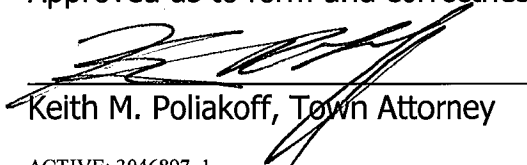
  
\_\_\_\_\_  
Rhon Ernest-Jones ASSOCIATE

Attest:

  
\_\_\_\_\_  
Debra Doré-Thomas, CMC, Town Clerk

  
\_\_\_\_\_  
Witness

Approved as to form and correctness:

  
\_\_\_\_\_  
Keith M. Poliakoff, Town Attorney

ACTIVE: 3046897\_1

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**WHEREAS**, on October 1, 2009, pursuant to Resolution 2010-003, the Town Council approved the Third Modification to this Agreement, which extended the term through April 1, 2010; and

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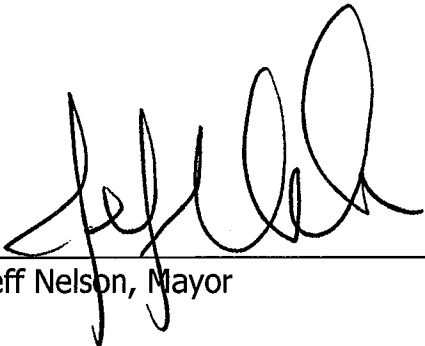
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Nelson	<u>AYE</u>
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Breitkreuz	<u>AYE</u>
Fisikelli	<u>AYE</u>
McKay	<u>Absent</u>

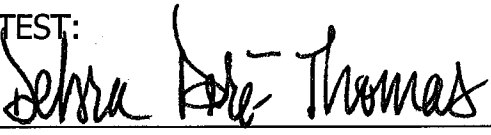
Ayes	<u>4</u>
Nays	<u>0</u>
Absent	<u>1</u>
Abstaining	<u>0</u>



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Jeff Nelson, Mayor

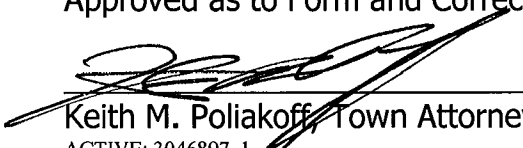
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Debra Doré-Thomas, CMC, Town Clerk

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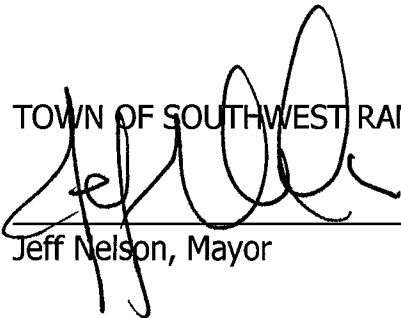
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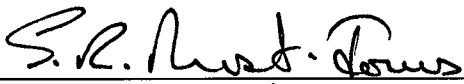
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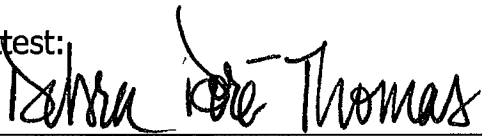
TOWN OF SOUTHWEST RANCHES


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

RHON ERNEST-JONES/IBI GROUP

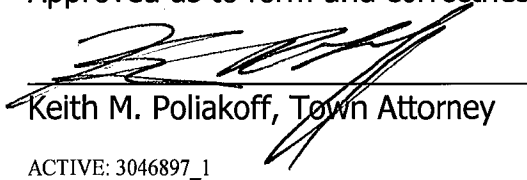
  
\_\_\_\_\_  
Rhon Ernest-Jones ASSOCIATE

Attest:

  
\_\_\_\_\_  
Debra Doré-Thomas, CMC, Town Clerk

  
\_\_\_\_\_  
Witness

Approved as to form and correctness:

  
\_\_\_\_\_  
Keith M. Poliakoff, Town Attorney

ACTIVE: 3046897\_1