

Meeting Date: November 22, 2011

Agenda Item 19

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration Workshop

SHORT TITLE OR MOTION: Approval of the First Amendment to the Continuing Contract for Civil Engineering Services with Keith and Associates, Inc. for various City projects.
(No cost at this time.)

Summary of Purpose and Why:

In a previous Commission action, the ranking of the top nine firms submitting on RLI H-49-10 titled "Continuing Contract for Civil Engineering Services for Various City Projects" Keith and Associates, Inc. was one of the top ranked firms. The original contract was for a one year term and the RLI provided for up to five (5) one year extensions. This is the first one year extension of the agreement.

There is no cost associated with the approval of this amendment. Work Authorizations are negotiated on a project by project basis.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: Rob McCaughan/ Alessandra Delfico Ext. 4506 / 4144
- (3) Expiration of contract, if applicable: Current Contract
- (4) Fiscal impact and source of funding: No cost at this time.

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Engineering	<u>9-12-11</u>	<u>Approve</u>	<u>[Signature]</u>
Public Works	<u>9/19/11</u>	<u>APPROVE</u>	<u>[Signature]</u>
Budget	<u>11/14/11</u>	<u>[Signature]</u>	<u>[Signature]</u>
General Services	<u>9/19/11</u>	<u>approve</u>	<u>[Signature]</u>
Finance	<u>11/10/11</u>	<u>approve</u>	<u>[Signature]</u>
City Attorney	<u>8/30/11</u>	<u>APPROVE</u>	<u>Memo# 2011-1604 [Signature]</u>

- Advisory Board
- Development Services Director
- City Manager

[Signature]

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1st Reading	1st Reading	Results:	Results:
_____	_____	_____	_____
2nd Reading	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



City Attorney's Communication #2011-1604

August 30, 2011

TO: Missy Stanley, Engineering Secretary
FROM: Jill R. Mesojedec, FRP, Paralegal
VIA: Gordon B. Linn, City Attorney *[Signature]*
RE: Resolution – First Amendment/Keith and Associates, Inc.

Pursuant to your memorandum dated August 22, 2011, Engineering Department Memorandum No. 11-225, I have prepared and attached the following form of Resolution:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND KEITH AND ASSOCIATES, INC. FOR CONTINUING CONTRACT FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me should you have any questions.

[Signature]

JILL R. MESOJEDEC

/jrm
l:cor/engr/2011-1604

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND KEITH AND ASSOCIATES, INC. FOR CONTINUING CONTRACT FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That a First Amendment between the City of Pompano Beach and Keith and Associates, Inc. for continuing contract for civil engineering services for various city projects, a copy of which agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said amendment between the City of Pompano Beach and Keith and Associates, Inc.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

FIRST AMENDMENT

THIS IS A FIRST AMENDMENT TO THE AGREEMENT dated the _____ day of _____ 2011, between:

CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, hereinafter referred to as "CITY,"

and

KEITH AND ASSOCIATES, INC. a corporation authorized to do business in the State of Florida, having its office and place of business at 301 East Atlantic Blvd, Pompano Beach, Florida 33060, hereinafter referred to as "CONSULTANT."

WHEREAS, the parties entered into a Consultant Agreement for Continuing Contract for Civil Engineering Services for Various City Projects on November 29, 2010, ("Original Agreement"), and approved by Resolution No. 2011-62; and

WHEREAS, the CITY and CONSULTANT have agreed to extend the Original Agreement for one (1) additional one-year period;

WITNESSETH:

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments herein set forth CITY and CONSULTANT agree as follows:

1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.
2. The original Agreement between CITY and CONSULTANT, dated November 29, 2010, a copy of which is attached hereto and made a part hereof as Exhibit "A," shall remain in full force and effect except as specifically amended hereinbelow.

3. The parties hereto agree to extend the original Agreement for one (1) additional one-year period, ending November 28, 2012.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.

"CITY":

Witnesses:

CITY OF POMPANO BEACH

By: _____
LAMAR FISHER, MAYOR

By: _____
DENNIS W. BEACH, CITY MANAGER

Attest:

MARY L. CHAMBERS, CITY CLERK

(SEAL)

Approved by:

GORDON B. LINN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2011 by **LAMAR FISHER** as Mayor, **DENNIS W. BEACH** as City Manager, and **MARY L. CHAMBERS** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

"CONSULTANT":

Witnesses:

[Handwritten Signature]

[Handwritten Signature]

Keith and Associates, Inc.

By: [Handwritten Signature]
Signature

Dodie Keith-Lazowick
Typed, Stamped or Printed Name

President
Title

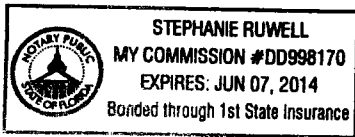
STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 18th day of August, 2011 by Dodie Keith-Lazowick as President of KEITH AND ASSOCIATES, INC., on behalf of the corporation. He/She is personally known to me or who has produced _____

(type of identification) as identification.

NOTARY'S SEAL:



[Handwritten Signature]
NOTARY PUBLIC, STATE OF FLORIDA

Stephanie Ruwell
(Name of Acknowledger Typed, Printed or Stamped)

DD998170
Commission Number