

Meeting Date: November 8, 2011

Agenda Item 9

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 R.J. Behar & Company, 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" R.J. Behar & Company, 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>8-25-11</u>	<u>Approve</u>	<u>[Signature]</u>
Public Works	<u>8/25/11</u>	<u>APPROVE</u>	<u>Rob McCaughan</u>
General Services	<u>8/29/11</u>	<u>approve</u>	<u>[Signature]</u>
Finance	<u>10/25/11</u>	<u>Approval</u>	<u>[Signature]</u>
City Attorney	<u>8/17/11</u>	<u>APPROVE</u>	<u>Memo# 2011-1552 [Signature]</u>

- Advisory Board
- Development Services Director
- City Manager

[Signature]

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading _____	1st Reading _____	Results: _____	Results: _____
2nd Reading _____	_____	_____	_____




City Attorney's Communication #2011-1552

August 17, 2011

TO: Missy Stanley, Engineering Secretary

FROM: Jill R. Mesojedec, FRP, Paralegal

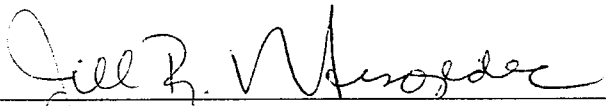
VIA: Gordon B. Linn, City Attorney 

RE: Resolution – First Amendment/R. J. Behar & Company, Inc.

Pursuant to your memorandum dated August 15, 2011, Engineering Department Memorandum No. 11-218, 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 R. J. BEHAR & COMPANY, 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.



JILL R. MESOJEDEC

/jrm
l:cor/engr/2011-1552

Attachment

RESOLUTION NO. 2012-_____

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 R. J. BEHAR & COMPANY, 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 R. J. Behar & Company, 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 R. J. Behar & Company, 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

R.J. BEHAR & COMPANY, INC. a corporation authorized to do business in the State of Florida, having its office and place of business at 6861 S.W. 196th Avenue, Suite 302, Pembroke Pines, Florida 33332, 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 15, 2010, ("Original Agreement"), and approved by Resolution No. 2011-48; 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 15, 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 14, 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:

R.J. BEHAR & COMPANY, INC

Derech Behar

By: 
Signature

St Mill

Robert J. Behar, P.E.
Typed, Stamped or Printed Name

President/CEO
Title

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 10th day of August, 2011 by Robert J. Behar as President/CEO of R.J. BEHAR & COMPANY, 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:


NOTARY PUBLIC, STATE OF FLORIDA

Lizanna Kadir
(Name of Acknowledger Typed, Printed or Stamped)



DD862.979
Commission Number