



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

4/19/2022

Subject:

First Amendment to the Professional Engineering Services Contract between Brevard County and Environmental Consulting and Technology, Inc. (ECT)

Fiscal Impact:

There is no fiscal impact.

Dept/Office:

Natural Resources Management Department

Requested Action:

Authorize the Chair to sign the Amendment 1 to Section 41 - Notice.

Summary Explanation and Background:

On April 4, 2020 ECT and the County entered into a Professional Engineering Services Contract. Contracted services include: civil, design, surveying, inspection, permitting, construction, hydrologic, environmental, transportation, marine, structural, and other related services. In January 2022, the County was notified that the Senior Project Manager, Chris Fagerstrom, identified in the contract as the person to receive Notices related to this contract, was no longer employed by the consultant. ECT requested that the Notice section in the contract be revised, to add Mr. Robert Johnson, P.E. Water Resources Group Manager, as the responsible team member, to receive notices as described in Section 41 - Notice. Mr. Johnson was part of the originally approved ECT Team and his hourly rates are in line with the previous senior project manager.

We request the Board authorize the Chair to sign the Amendment 1 to Section 41 - Notice.

Clerk to the Board Instructions:

Please have two originals signed and returned to the Natural Resources Department.



April 20, 2022

MEMORANDUM

TO: Virginia Barker, Natural Resources Management Director

RE: Item F.1., First Amendment to the Professional Engineering Services Contract between Brevard County and Environmental Consulting and Technology, Inc. (ECT)

The Board of County Commissioners, in regular session on April 19, 2022, executed and approved the First Amendment to the Professional Engineering Services Contract between Brevard County and ECT. Enclosed are two fully-executed Contracts.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for Donna Scott
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

cc: Contracts Administration

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: ECT, Inc		2. Amount: NA	
3. Fund/Account #: 1110/260076		4. Department Name: Natural Resources	
5. Contract Description: Professional Engineering Continuing Services (CM4795)			
6. Contract Monitor: Mary Blakely		8. Contract Type: CONSULTANT <input type="button" value="v"/>	
7. Dept/Office Director: Virginia Barker			
9. Type of Procurement: Request for Qualifications (RFQ)			

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☒
☐

Purchasing

☐
☐

Risk Management

☐
☐

County Attorney

☐
☐

SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☐
☐

Purchasing

☐
☐

Risk Management

☒
☐

County Attorney

☒
☐

Wilson, Shannon

Digitally signed by Wilson, Shannon
Date: 2022.03.29 11:48:30 -04'00'

Balser, Heather

Digitally signed by Balser, Heather
Date: 2022.03.29 14:04:04 -04'00'

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>

**FIRST AMENDMENT TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACT
BETWEEN BREVARD COUNTY AND ENVIRONMENTAL CONSULTING AND
TECHNOLOGY, INC.**

THIS FIRST AMENDMENT is made and entered into this ____ day of _____, 2022, by and between Environmental Consulting and Technology, Inc. (hereinafter referred to as the "Contractor") and the Brevard County Board of County Commissioners, a political subdivision of the State of Florida (hereinafter referred to as the "County"). The Contractor and County are sometimes herein collectively referred to as the "Parties."

W I T N E S S E T H:

WHEREAS, Contractor and County previously entered into a Professional Engineering Services Contract on April 4, 2020, for continuing professional engineering services for the Brevard County Natural Resources Management Department for some or all aspects of engineering services such as civil, design, surveying, inspection, permitting, construction, hydrologic, environmental, transportation, marine, structural, and other related services; and

WHEREAS, the Parties now desire to amend the Contract as specifically provided herein.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the Parties agree and covenant as follows:

1. Section 41, Notice is hereby amended to read as follows:

SECTION 41 – NOTICE

Notice under this Contract shall be given to the County by certified mail or hand delivery as follows:

Brevard County Natural Resources Management Department
Stormwater Program
Carolina Alvarez, Program Manager
2725 Judge Fran Jamieson Way, Suite A-219
Viera, FL 32940

and notice shall be given to the Contractor by certified mail or hand delivery as follows:

Environmental Consulting & Technology, Inc.
Robert Johnson, P.E.
Tampa Water Resources Group Manager
1408 N. Westshore Blvd.
Suite 115

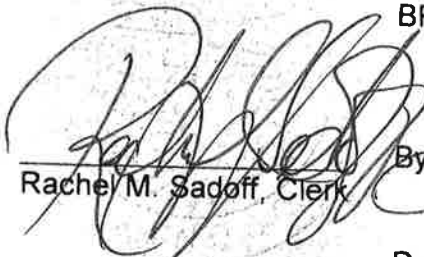

Tampa, FL 33607

2. All other terms and conditions of the Contract not inconsistent with the provisions of this First Amendment shall remain in full force and effect. In the event of a conflict between the Contract and this First Amendment, the terms of the First Amendment shall prevail.
3. This First Amendment shall become effective immediately upon execution by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by its duly authorized representatives, effective as of the date on which the last of the parties hereto executes this Contract.

ATTEST:


BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

 By: 
Rachel M. Sadoff, Clerk Kristine Zonka, Chair

Date: April 19, 2022

As approved by Board on: April 19, 2022

Reviewed for legal form and content by:

 3-24-2022
Heather A. Balser, Assistant County Attorney

**BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA**

I HEREBY CERTIFY that the foregoing is a true copy of the original filed in this office and may contain redactions as required by law.

RACHEL M. SADOFF, Clerk to the Board

Date 4/21/22 By D. Thomas
Deputy Clerk

CONTRACTOR

By: _____

Signature

Date: March 24, 2022

Gary Uebelhoer, Sr. Vice President

Name & Title, Typed or Printed

Environmental Consulting & Technology, Inc.

Name of Company, Corp., etc.

7027 Southwest 24th Avenue

Mailing Address

Gainesville, Florida 32607-3704

City, State, Zip

352/332-0444

Area Code/Telephone Number



SEAL

ATTEST:

Signature _____

Malinda R. Parker, Asst. Secretary-Treasurer

Name & Title, Typed

RESOLUTION OF CORPORATE AUTHORITY

I, Jennifer S. Mathia, Corporate Secretary of Environmental Consulting & Technology, Inc., a Delaware Corporation (the "Corporation"), DO HEREBY CERTIFY that the following is a true and correct excerpt from the minutes of the meeting of the Board of Directors duly called and held on December 17, 2021, and that the same is now in full force and effect:

"RESOLVED, that the Chairman, the CEO/President, each Senior Vice President, each Vice President, the Secretary, the Treasurer, and the Assistant Secretary-Treasurer, and each of them, hereby is authorized to execute and deliver, in the name and on behalf of the Corporation and under its corporate seal or otherwise, any agreement or other instrument or document ("Contract") in connection with any matter or transaction that shall have been duly approved; the execution and delivery of any Contract by any of the aforementioned officers shall be conclusive evidence of such approval."

FURTHER, I CERTIFY that Thomas O. Pritcher is Chairman of the Board, Bobbi L. Westerby is CEO/President, Jennifer S Mathia is Secretary, W. Dean Harwood is Treasurer, Malinda R. Parker is Assistant Secretary-Treasurer; W. Dean Harwood, Isabel C. Johnson, Sanjiv K. Sinha, Gary P. Uebelhoer, and Dana L. West are Senior Vice Presidents; and the following are Vice Presidents: Mark A. Culbreth, Michael I. Cunningham, John M. O'Meara, Malinda R. Parker, Thomas O. Pritcher, Keleigh R. Williams, and Chad Evenhouse.

FURTHER, I CERTIFY that any of the aforementioned officers of the Corporation are authorized to execute and commit the Company to the conditions, obligations, stipulations, and undertakings contained and Contract and that all necessary corporate approvals have been obtained in relationship thereto.

IN WITNESS WHEREOF, I have set my hand this 3rd day of January 2022.




Jennifer S. Mathia, Corporate Secretary