

ITEM NUMBER 4D

Approval RE: First Amendment to Agreement for Legal Services

DISCUSSION:

As part of the Space Coast TPO's separation from the County, all legal services are the responsibility of the SCTPO. The First Amendment to the TPO's Agreement for Legal Services with Paul R. Gougelman, III, has been drafted to accommodate any unforeseen actions that may require legal representation that are of a specialized service outside of Mr. Gougelmans expertise. The amendment provides the TPO with the flexibility to obtain legal counsel within Mr. Gougelman's law firm or with other law firms that can provide appropriate legal counsel for any such unforeseen issues.

Rate of compensation shall not exceed the rate of the original agreement without approval from the TPO Executive Committee or TPO Governing Board.

REQUESTED ACTION:

Approve First Amendment to Agreement for Legal Services

ATTACHMENTS:

- First Amendment to Agreement for Legal Services

FIRST AMENDMENT TO AGREEMENT FOR LEGAL SERVICES

THIS FIRST AMENDMENT TO AGREEMENT FOR LEGAL SERVICES is entered into this ____ day of _____, 2011, *nunc pro tunc* to the 1st day of May, 2011, by an between the Space Coast Transportation Planning Organization f/k/a Brevard Metropolitan Planning Organization, formed and existing pursuant to Section 339.175 *et seq.*, Florida Statutes (hereinafter alternatively: the "TPO"), 2725 Judge Fran Jamieson Way - Building B, Rm. 105, Viera, Florida 32940; and Paul R. Gougelman, III (hereinafter: the "CONTRACTOR"), 2220 Front Street - #204, Melbourne, Florida 32901. This Agreement shall bind the parties upon its execution by their representatives.

RECITALS:

WHEREAS, the CONTRACTOR entered into an Agreement for Legal Services in April, 2008, by which the CONTRACTOR performs legal services for the TPO (the "Agreement"); and

WHEREAS, the CONTRACTOR and the TPO desire to amend the aforementioned Agreement,

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

1. Article 11. of the Agreement shall be amended as follows:

ARTICLE 11. ADMINISTRATION OF AGREEMENT.

* * *

B. Any attorney of the firm with whom the CONTRACTOR is affiliated may provide legal representation under this Agreement to the TPO/MPO, its officers and employees. The CONTRACTOR may refer

work under this contract to attorneys in the CONTRACTOR's law firm or for limited or specialized tasks with the concurrence of the TPO Executive Committee, TPO Governing Board Chairman, or the TPO Executive Director, to other law firms; provided, that in no event shall the rate of compensation exceed the rate of compensation provided for pursuant to this agreement, except with the approval of the TPO Executive Committee or the TPO Governing Board. No attorney of the CONTRACTOR's law firm may appear before the TPO/MPO Governing Board or any committee of the TPO/MPO or in any proceeding opposite the TPO/MPO without the written approval of the TPO/MPO Staff Executive Director or the TPO/MPO Governing Board.

2. In interpreting the provisions of this Agreement, the following rules and symbols shall apply:

(1) Words underlined are additions to existing text.

(2) Words ~~stricken through~~ are deletions from existing text.

(3) Asterisks (* * *) indicates a deletion from the Agreement of existing text. It is intended that the text in the original Agreement for Legal Services denoted by the asterisks and not set forth in this First Amendment to the Agreement for Legal Services shall remain unchanged from the language existing prior to adoption of this First Amendment to the Agreement for Legal Services.

3. Effective Date. This instrument shall become effective immediately upon approval by both parties.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the date set forth below.

TPO:

SPACE COAST TRANSPORTATION
PLANNING ORGANIZATION,
a Florida Metropolitan
Planning Organization formed
and existing pursuant to
Section 339.175, Florida
Statutes

By: _____
Larry Schultz, its
Chairman

ATTEST: _____
TPO Agency Clerk

CONTRACTOR:

By: _____
Paul R. Gougelman, III

ITEM 6C - Table A - SPACEPORT "90 Day List" by Launch Complex

AGENCY PRIORITY	PROJECT DESCRIPTION	FACILITY	PHASE	STATE	LOCAL	TOTAL	AGENCY
	Cecil Field Spaceport - Jacksonville Aviation Authority						
CS-1	RLV Taxiway & Apron (Taxiway 'E' south)	Cecil Spaceport	Design	375,000	375,000	750,000	JAA
CS-2	RLV Taxiway (Taxiway 'E')	Cecil Spaceport	Construct	3,867,500	3,867,500	7,735,000	JAA
CS-3	RLV Apron	Cecil Spaceport	Construct	1,657,500	1,657,500	3,315,000	JAA
CS-4	Hangar & Assembly Facility	Cecil Spaceport	Design	350,000	350,000	700,000	JAA
CS-5	Hangar & Assembly Facility	Cecil Spaceport	Construct	4,625,000	4,625,000	9,250,000	JAA
CS-6	Oxidizer Storage & Fueling Facility	Cecil Spaceport	Design	315,000	315,000	630,000	JAA
CS-7	Oxidizer Storage & Fueling Facility	Cecil Spaceport	Construct	1,785,000	1,785,000	3,570,000	JAA
	Launch Complex 36- Space Florida						
LC36-1	Utilities upgrade/recondition terminations for reuse	Launch Complex 36	Construct	1,400,000		1,400,000	SF
LC36-2	Permitting -St Johns River Water Mgmt District	Launch Complex 36	PD&E	30,000		30,000	SF
LC36-3	Security Fencing	Launch Complex 36	Construct	275,000		275,000	SF
LC36-4	Roads & Paving	Launch Complex 36	Construct	1,200,000		1,200,000	SF
LC36-5	Facility Design - Support Systems	Launch Complex 36	Design	700,000		700,000	SF
	Launch Complex 40 - SpaceX						
LC40-1	Payload Encapsulation Bay	Launch Complex 40	Des/Bld	3,500,000		3,500,000	SpaceX
LC40-2	Payload Processing and Fueling Bay	Launch Complex 40	Des/Bld	4,500,000		4,500,000	SpaceX
LC40-3	Low Bay for Receiving Flight Hardware	Launch Complex 40	Des/Bld	500,000		500,000	SpaceX
LC40-4	North Ancillary (electric/mechanic support)	Launch Complex 40	Des/Bld	500,000		500,000	SpaceX
LC40-5	West Hypergol Fuel Support Areas	Launch Complex 40	Des/Bld	500,000		500,000	SpaceX
LC40-6	South Support (emergency ventilation)	Launch Complex 40	Des/Bld	350,000		350,000	SpaceX
LC40-7	Emergency Containment Area	Launch Complex 40	Des/Bld	150,000		150,000	SpaceX
	Launch Complex 41 - United Launch Alliance						
LC41-1	Atlas Portable Environmental Control System (PECS) Replacement	Launch Complex 41	PD&E	500,000		500,000	ULA
LC41-2	Vertical Integration Facility (VIF) Second Elevator and Enclose Stair	Launch Complex 41	Design	1,000,000		1,000,000	ULA
LC41-3	Second Mobile Launch Platform (MLP)	Launch Complex 41	Design	5,000,000		5,000,000	ULA
LC41-4	Second Vertical Integration Facility (VIF)	Launch Complex 41	Design	5,000,000		5,000,000	ULA

ITEM 6C - Table A - SPACEPORT "90 Day List" by Launch Complex

AGENCY PRIORITY	PROJECT DESCRIPTION	FACILITY	PHASE	STATE	LOCAL	TOTAL	AGENCY
	Launch Complex 46 - Space Florida						
LC46-1	Communications system modernization	Launch Complex 46	Design	260,000		260,000	SF
LC46-2	Upgrade electrical and communications systems	Launch Complex 46	Construct	475,000		375,000	SF
LC46-3	Electrical System design	Launch Complex 46	Design	50,000		50,000	SF
LC46-4	FireEx System Replacement	Launch Complex 46	Construct	95,000		95,000	SF
LC46-5	Gantry moveable platform refurbishment	Launch Complex 46	Construct	835,000		835,000	SF
LC46-6	Compressed air system refurbishment	Launch Complex 46	Construct	37,000		37,000	SF
LC46-7	Orion Abort Test Booster launch support capability	Launch Complex 46	Study	50,000		50,000	SF
LC46-8	Launch Mount Adaptor design for new vehicles	Launch Complex 46	Design	48,000		48,000	SF
	Shuttle Landing Facility - NASA/Kennedy Space Center						
SLF-1*	Electronic security tow way access road gate #1 - <u>FUNDED</u>	Shuttle Landing Facility	Des/Bid	321,000		321,000	KSC
SLF-2	Wildlife Assessment	Shuttle Landing Facility	Study	152,000		152,000	KSC
SLF-3	SLF Facilities Master Plan	Shuttle Landing Facility	Study	200,000		200,000	KSC
SLF-4	Shuttle T-Hangar Structure including doors	Shuttle Landing Facility	Des/Bid	1,600,000		1,600,000	KSC
SLF-5	Shuttle T-Hangar Structure fire protection system	Shuttle Landing Facility	Des/Bid	705,000		705,000	KSC
SLF-6	Shuttle T-Hangar west side concrete apron	Shuttle Landing Facility	Des/Bid	553,000		553,000	KSC
SLF-7	Shuttle T-Hangar east side concrete apron	Shuttle Landing Facility	Des/Bid	553,000		553,000	KSC
SLF-8	SLF operations ramp north extension	Shuttle Landing Facility	Des/Bid	4,000,000		4,000,000	KSC
SLF-9	SLF operations ramp north extension runway tie-in	Shuttle Landing Facility	Des/Bid	1,000,000		1,000,000	KSC
SLF-10	Fuel Farm Study	Shuttle Landing Facility	PD&E	100,000		100,000	KSC
SLF-11	Electronic security tow way access road gate #2	Shuttle Landing Facility	Des/Bid	186,000		186,000	KSC
SLF-12	Manual security tow way access road gate #3	Shuttle Landing Facility	Des/Bid	134,000		134,000	KSC
SLF-13	Security Fencing for SLF Assets	Shuttle Landing Facility	Des/Bid	500,000		500,000	KSC

ITEM 6C - Table B - SPACEPORT "90 Day List" by Phase

AGENCY PRIORITY	PROJECT DESCRIPTION	FACILITY	PHASE	STATE	LOCAL	TOTAL	AGENCY
TECHNICAL STUDY							
SLF-2	Wildlife Assessment	Shuttle Landing Facility	Study	152,000		152,000	KSC
SLF-3	SLF Facilities Master Plan	Shuttle Landing Facility	Study	200,000		200,000	KSC
LC46-7	Orion Abort Test Booster launch support capability	Launch Complex 46	Study	50,000		50,000	SF
PD&E STUDY							
LC41-1	Atlas Portable Environmental Control System (PECS) Replacement	Launch Complex 41	PD&E	500,000		500,000	ULA
LC36-2	Permitting -St Johns River Water Mgmt District	Launch Complex 36	PD&E	30,000		30,000	SF
SLF-10	Fuel Farm Study	Shuttle Landing Facility	PD&E	100,000		100,000	KSC
DESIGN							
CS-1	RLV Taxiway & Apron (Taxiway 'E' south)	Cecil Spaceport	Design	375,000	375,000	750,000	JAA
LC46-1	Communications system modernization	Launch Complex 46	Design	260,000		260,000	SF
LC41-2	Vertical Integration Facility (VIF) Second Elevator and Enclose Stair Well	Launch Complex 41	Design	1,000,000		1,000,000	ULA
LC41-3	Second Mobile Launch Platform (MLP)	Launch Complex 41	Design	5,000,000		5,000,000	ULA
LC46-3	Electrical System design	Launch Complex 46	Design	50,000		50,000	SF
CS-4	Hangar & Assembly Facility	Cecil Spaceport	Design	350,000	350,000	700,000	JAA
LC41-4	Second Vertical Integration Facility (VIF)	Launch Complex 41	Design	5,000,000		5,000,000	ULA
LC36-5	Facility Design - Support Systems	Launch Complex 36	Design	700,000		700,000	SF
CS-6	Oxidizer Storage & Fueling Facility	Cecil Spaceport	Design	315,000	315,000	630,000	JAA
LC46-8	Launch Mount Adaptor design for new vehicles	Launch Complex 46	Design	48,000		48,000	SF

ITEM 6C - Table B - SPACEPORT "90 Day List" by Phase

AGENCY PRIORITY	PROJECT DESCRIPTION	FACILITY	PHASE	STATE	LOCAL	TOTAL	AGENCY
DESIGN/BUILD							
SLF-1*	Electronic security tow way access road gate #1 - FUNDED	Shuttle Landing Facility	Des/Bid	321,000		321,000	KSC
LC40-1	Payload Encapsulation Bay	Launch Complex 40	Des/Bid	3,500,000		3,500,000	SpaceX
LC40-2	Payload Processing and Fueling Bay	Launch Complex 40	Des/Bid	4,500,000		4,500,000	SpaceX
LC40-3	Low Bay for Receiving Flight Hardware	Launch Complex 40	Des/Bid	500,000		500,000	SpaceX
LC40-4	North Ancillary (electric/mechanic support)	Launch Complex 40	Des/Bid	500,000		500,000	SpaceX
SLF-4	Shuttle T-Hangar Structure including doors	Shuttle Landing Facility	Des/Bid	1,600,000		1,600,000	KSC
LC40-5	West Hypergol Fuel Support Areas	Launch Complex 40	Des/Bid	500,000		500,000	SpaceX
SLF-5	Shuttle T-Hangar Structure fire protection system	Shuttle Landing Facility	Des/Bid	705,000		705,000	KSC
LC40-6	South Support (emergency ventilation)	Launch Complex 40	Des/Bid	350,000		350,000	SpaceX
SLF-6	Shuttle T-Hangar west side concrete apron	Shuttle Landing Facility	Des/Bid	553,000		553,000	KSC
LC40-7	Emergency Containment Area	Launch Complex 40	Des/Bid	150,000		150,000	SpaceX
SLF-7	Shuttle T-Hangar east side concrete apron	Shuttle Landing Facility	Des/Bid	553,000		553,000	KSC
SLF-8	SLF operations ramp north extension	Shuttle Landing Facility	Des/Bid	4,000,000		4,000,000	KSC
SLF-9	SLF operations ramp north extension runway tie-in	Shuttle Landing Facility	Des/Bid	1,000,000		1,000,000	KSC
SLF-11	Electronic security tow way access road gate #2	Shuttle Landing Facility	Des/Bid	186,000		186,000	KSC
SLF-12	Manual security tow way access road gate #3	Shuttle Landing Facility	Des/Bid	134,000		134,000	KSC
SLF-13	Security Fencing for SLF Assets	Shuttle Landing Facility	Des/Bid	500,000		500,000	KSC
CONSTRUCTION							
LC36-1	Utilities upgrade/recondition terminations for reuse	Launch Complex 36	Construct	1,400,000		1,400,000	SF
CS-2	RLV Taxiway (Taxiway 'E')	Cecil Spaceport	Construct	3,867,500	3,867,500	7,735,000	JAA
LC46-2	Upgrade electrical and communications systems	Launch Complex 46	Construct	475,000		375,000	SF
CS-3	RLV Apron	Cecil Spaceport	Construct	1,657,500	1,657,500	3,315,000	JAA
LC36-3	Security Fencing	Launch Complex 36	Construct	275,000		275,000	SF
LC36-4	Roads & Paving	Launch Complex 36	Construct	1,200,000		1,200,000	SF
LC46-4	FireEx System Replacement	Launch Complex 46	Construct	95,000		95,000	SF
CS-5	Hangar & Assembly Facility	Cecil Spaceport	Construct	4,625,000	4,625,000	9,250,000	JAA
LC46-5	Gantry moveable platform refurbishment	Launch Complex 46	Construct	835,000		835,000	SF
LC46-6	Compressed air system refurbishment	Launch Complex 46	Construct	37,000		37,000	SF
CS-7	Oxidizer Storage & Fueling Facility	Cecil Spaceport	Construct	1,785,000	1,785,000	3,570,000	JAA