

**RESOLUTION NO. 21-09-98**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,  
VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST  
AMENDMENT TO THE CONTINUING SERVICES AGREEMENT AND  
A FIRST AMENDMENT TO WORK AUTHORIZATION NO. 2  
BETWEEN ECKLER ENGINEERING, INC. AND ISLAMORADA,  
VILLAGE OF ISLANDS FOR DESIGN AND CONSTRUCTION  
ENGINEERING SERVICES FOR PROJECTS AT THE NORTH  
PLANTATION KEY (NPK) PUMP STATION; AUTHORIZING  
VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND  
CONDITIONS OF THE AMENDMENTS; AUTHORIZING THE  
VILLAGE MANAGER TO EXPEND BUDGETED FUNDS;  
AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE  
AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Islamorada, Village of Islands (the "Village") entered into a Continuing Services Agreement (the "Agreement") with Eckler Engineering, Inc. ("Eckler") for architectural and engineering services effective June 5, 2015, through June 4, 2020; and

**WHEREAS**, in October 2017 and in March 2019, breaks occurred in the Village's wastewater conveyance force main ("CFM") and Eckler was engaged under Work Authorization No. 1 to perform an analysis of the cause of the breaks and to propose recommendations to address issues identified as causing the CFM breaks; and

**WHEREAS**, Eckler identified pressure fluctuation issues at the North Plantation Key ("NPK") pump station and proposed projects at the NPK pump station to address the issues in addition to projects to address other outstanding issues identified by staff at the NPK pump station; and

**WHEREAS**, on May 7, 2019, the Village Council adopted Resolution No. 20-05-37, thereby approving Work Authorization No. 2 under the Agreement to engage Eckler to provide design and construction engineering services for the NPK pump station projects; and

**WHEREAS**, the scope of the work for the projects at the NPK pump station has been changed and expanded to include conversion of the NPK transfer pump station from a wet well configuration to an in-line booster pump station; and

**WHEREAS**, the Village and Eckler desire to extend the termination dates of both the Agreement and Work Authorization No. 2 (the "Work Authorization") under the Agreement, to provide the aforementioned expanded services; and

**WHEREAS**, the Village Council of Islamorada, Village of Islands (the "Village Council") finds that approval of a First Amendment to the Agreement (Exhibit "A") and approval of a First Amendment to the Work Authorization with Eckler at a not-to-exceed amount of Six Hundred Seventy-five Thousand and no/100 Dollars (\$675,000.00) (Exhibit "B") is in the best interest of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1.**    **Recitals.**    The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2.**    **Approval of Amendments.** The Village Council hereby approves the First Amendment to the Agreement, a copy of which is attached hereto as Exhibit "A," and the First Amendment to Work Authorization No. 2 between Eckler and the Village to provide engineering services, a copy of which is attached as Exhibit "B," together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

**Section 3. Authorization of Village Officials.** The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Amendments.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Authorization.

**Section 5. Execution of Amendments.** The Village Manager is authorized to execute the Amendments on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Amendments and to execute any additional extensions and/or amendments, subject to the approval as to form and legality by the Village Attorney.

**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion to adopt by Vice Mayor Pete Bacheler, seconded by Councilman Mark Gregg.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

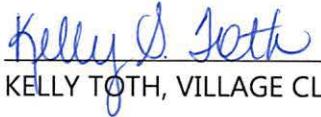
|                            |     |
|----------------------------|-----|
| Mayor Joseph B. Pinder III | YES |
| Vice Mayor Pete Bacheler   | YES |
| Councilman Mark Gregg      | YES |
| Councilman Henry Rosenthal | YES |
| Councilman David Webb      | YES |

**PASSED AND ADOPTED this 30th day of September, 2021.**



JOSEPH B. PINDER III, MAYOR

ATTEST:



Kelly D. Toth  
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF ISLAMORADA,  
VILLAGE OF ISLANDS:



Roget V. Bryan  
ROGET V. BRYAN, VILLAGE ATTORNEY

**FIRST AMENDMENT  
CONTINUING SERVICES AGREEMENT  
BETWEEN  
ISLAMORADA, VILLAGE OF ISLANDS  
AND  
ECKLER ENGINEERING, INC.**

**THIS AMENDMENT** to the Continuing Services Agreement (the "First Amendment") is made between **ECKLER ENGINEERING, INC.**, a Florida corporation ("CONSULTANT") and **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the "VILLAGE").

**WHEREAS**, CONSULTANT and the VILLAGE entered into a certain Continuing Services Agreement (the "Agreement") effective June 5, 2015; and

**WHEREAS**, the parties desire to enter into this First Amendment to modify the termination date of the Agreement, the contact information for notices, and the Consultant Fee Schedule attached as Exhibit "A."

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth in this First Amendment, CONSULTANT and the VILLAGE agree as follows.

**Section 1. Amendment to Agreement.** The Agreement is amended to read as follows:

\* \* \*

**SECTION 3. TERM/TERMINATION**

3.1 **Term of Agreement.** – This Continuing Service Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect ~~for period of five (5) years therefrom through September 30, 2023~~, unless and until terminated pursuant to Section 3.2, 3.3, or other applicable sections of this Agreement. Each Project Agreement shall specify the period of service agreed to by the VILLAGE and the CONSULTANT for services to be rendered under said Project Agreement.

## **SECTION 21. NOTICES**

Whenever either party desires to give notice to the other, it must be given by hand delivery or written notice, sent by certified United States mail, with return receipt requested or a nationally recognized private mail delivery service, addressed to the party for whom it is intended, at the place last specified, and the place for giving of notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice, to-wit:

### **FOR THE CONSULTANT:**

Eckler Engineering, Inc.  
4700 Riverside Drive, Suite 110  
Coral Springs, Florida 33067  
Telephone: 954-510-4700  
Facsimile: 954-755-2741

### **FOR VILLAGE:**

Islamorada, Village of Islands  
~~Maria T. Aguilar~~ Gregory J. Oravec, Village Manager  
86800 Overseas Highway  
Islamorada, Florida 33036  
Telephone: 305-664-6400  
Facsimile: 305-664-6464

Copy: Roget V. Bryan, Village Attorney  
Islamorada, Village of Islands  
86800 Overseas Highway  
Islamorada, Florida 33023  
Telephone: 305-664-6418  
Facsimile: 305-504-8989

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**Section 2. No Further Modifications.** All other terms and conditions of the existing Agreement not in conflict or superseded by this First Amendment shall remain in full force and effect as if set forth herein.

**Section 3. Effective Date.** This First Amendment shall be effective upon execution.

**IN WITNESS WHEREOF**, the parties execute this First Amendment on the respective dates under each signature: The VILLAGE, signing by and through its Village Manager, attested to by its Village Clerk, and CONSULTANT by and through its principal.

Attest:

Kelly S. Toth  
Kelly Toth, Village Clerk

**ISLAMORADA, VILLAGE OF ISLANDS**

By:   
Gregory J. Oravec, Village Manager

Date: 10/15/2021

Attest:

Douglas Hammann  
Secretary  
Print Name: Douglas Hammann

**ECKLER ENGINEERING, INC.**

By:   
Print Name: Douglas Hammann  
Title: President  
Date: 10/12/2021

WITNESSES:

Omar Khan  
Print Name: Omar Khan  
Ricardo Perez  
Print Name: Ricardo Perez

# **EXHIBIT A Available Upon Request.**

Please contact Village Clerk at  
305-664-6413 or  
[deputyclerk@islamorada.fl.us](mailto:deputyclerk@islamorada.fl.us)