

**RESOLUTION NO. 21-06-46**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO PROJECT AGREEMENT NO. 1 BETWEEN PAGE EXCAVATING, INC. AND ISLAMORADA, VILLAGE OF ISLANDS, INCREASING THE NUMBER OF PHASE II VACUUM PITS REPLACEMENTS WITHIN NORTH PLANTATION KEY FOR THE VILLAGE CENTRAL WASTEWATER SYSTEM; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT TO PROJECT AGREEMENT NO. 1; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Village identified the need to replace failing Phase II Vacuum Pits within the North Plantation Key Section of the Village wastewater collection and transmission system; and

**WHEREAS**, on January 20, 2021, the Village entered into a project agreement with Page Excavating, Inc. ("Page") to replace the forty-six (46) remaining inadequate and failing Phase II Vacuum Pits for a not-to-exceed fee of Two Hundred Ninety-Nine Thousand and no/100 Dollars (\$299,000.00); and

**WHEREAS**, Page has determined that there are nine (9) additional pits that need to be replaced at an increased cost of Fifty-Eight Thousand Five Hundred and no/100 Dollars (\$58,500.00) bringing the total not-to-exceed amount to Three Hundred Fifty-Seven Thousand Five Hundred and no/100 Dollars (\$357,500.00); and

**WHEREAS**, the Village Council finds that approval of the First Amendment to Project Agreement No. 1 attached as Exhibit "A" with Page is in the best interest of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMROADA, 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 First Amendment.** The Village Council hereby approves the First Amendment to Project Agreement No. 1 between Page and the Village for provision of services, to increase the number of failing Phase II Vacuum Pits in North Plantation Key from forty-six (46) to fifty-five (55), thereby increasing the not-to-exceed fee to Three Hundred Fifty-Seven Thousand Five Hundred and no/100 Dollars (\$357,500.00).

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

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

**Section 5. Execution of Amendment No. 1.** The Acting Village Manager is authorized to execute the First Amendment to Project Agreement No. 1 on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Amendment and to execute any extensions and/or amendments to the Amendment, 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 Councilman Mark Gregg, second by Councilman David Webb.

**FINAL VOTE AT ADOPTION**

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

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

**PASSED AND ADOPTED this 9<sup>th</sup> day of June, 2021.**

  
\_\_\_\_\_  
JOSEPH B PINDER III, MAYOR

ATTEST:

  
\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

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

  
\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY

**FIRST AMENDMENT TO  
PROJECT AGREEMENT NO. 1  
Between  
ISLAMORADA, VILLAGE OF ISLANDS  
And  
PAGE EXCAVATING, INC.**

This First Amendment to Project Agreement No. 1 under a Continuing Services Agreement (the "First Amendment") is made and entered into this 17 day of June, 2021, between Islamorada, Village of Islands ("VILLAGE") and Page Excavating, Inc. ("CONSULTANT").

**WHEREAS**, the VILLAGE and CONSULTANT entered into a Continuing Services Agreement ("CSA") for professional services dated May 24, 2018; and

**WHEREAS**, the VILLAGE and CONSULTANT entered into Project Agreement No. 1 under the CSA for services to replace forty-six (46) wastewater vacuum pits dated January 14, 2021, with a not-to-exceed amount of Two Hundred Ninety-nine Thousand and no/100 Dollars (\$299,000.00) and a termination date of September 30, 2021; and

**WHEREAS**, the VILLAGE and CONSULTANT desire to enter into this First Amendment to amend the Scope of Services to add nine (9) vacuum pits and increase the not-to-exceed cost of Project Agreement No. 1 by Fifty-eight Thousand Five Hundred and no/100 Dollars (\$58,500.00).

**NOW THEREFORE**, in consideration of mutual promises, covenants and contracts stated herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, VILLAGE and CONSULTANT hereby agree as follows:

**Section 1. Scope of Services**

1.1 The CONSULTANT shall provide additional services to the VILLAGE for the Project as described in the additional "Scope of Services" attached as Exhibit "1."

1.2 The additional "Scope of Services" and tasks to be provided by the CONSULTANT for this Project are those services and tasks as listed in Exhibit "1."

1.3 The VILLAGE may request changes that would increase, decrease, or otherwise modify the Scope of Services. Such changes must be contained in a written change order executed by the

parties in accordance with the provisions of the Continuing Services Agreement between the VILLAGE and CONSULTANT, dated May 24, 2018, prior to any deviation from the terms of the Project Agreement, including the initiation of any extra work.

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**Section 2. Amendment to Project Agreement.** The Project Agreement is amended to read as follows:

**SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION**

4.1 **Lump Sum Compensation.** VILLAGE agrees to pay CONSULTANT an amount not to exceed ~~Two Hundred Ninety Nine Thousand and no/100 Dollars (\$299,000.00)~~ **Three Hundred Fifty-seven Thousand Five Hundred and no/100 Dollars (\$357,500.00)** as compensation for performance of all services related to the Project. It is understood that the method of compensation is that of lump sum which means that CONSULTANT shall perform all services set forth for total compensation in the amount stated above. Said lump sum includes but is not limited to, compensation for all fees, expenses, and out-of-pocket costs of the CONSULTANT.

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**Section 3. No Further Modifications.** All other terms and conditions of the existing Project Agreement not in conflict or superseded by this First Amendment shall remain in full force and effect as if set forth herein.

**(This Space is Intentionally Left Blank.)**

**IN WITNESS WHEREOF**, the parties hereto have accepted, made and executed this First Amendment upon the terms and conditions above stated on the day and year first above written.

Attest:

**ISLAMORADA, VILLAGE OF ISLANDS**

Kelly S. Toth  
Kelly Toth, Village Clerk

By: Maria T. Bassett  
Maria T. Bassett, Acting Village Manager/  
Finance Director

Date: 6/10/21

Approved as to Form and Legality  
for the Use and Benefit of Islamorada,  
Village of Islands only

[Signature]  
Roget V. Bryan, Village Attorney

**CONSULTANT**

PAGE EXCAVATING, INC.

By: [Signature]

Print Name: Mark Page

Title: President

The 17 day of June,  
2021.