

RESOLUTION NO. 21-03-22

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND ISLAND VILLA CONSTRUCTION, LLC. RELATED TO THE KEY TREE CACTUS PRESERVE BOARDWALK PROJECT; AUTHORIZING THE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF CHANGE ORDER NO. 1; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 1, 2020, Islamorada, Village of Islands (the "Village") entered into an Agreement with Island Village Construction LLC. (the "Contractor") to construct a new boardwalk, trails, paths, kayak landing and parking lot area at the Key Tree Cactus Preserve; and

WHEREAS, Article X "Change to Scope of Work and Additional Work" of the Agreement provides for changes, modifications, and additions to the Agreement; and

WHEREAS, in March 2021, the Contractor presented Village staff with Change Order #1 for additional work to the boardwalk, mulched trail handrails, swale and the paver path; and

WHEREAS, Change Order No. 1 provides for changes to Scope of Services to reflect the additional work, delete the injection well from the scope and to adjust the Agreement cost; and

WHEREAS, the Village Council finds that approval of Change Order No. 1 to the Agreement between the Village and Island Villa Construction LLC. 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 Change Order.** The Village Council of Islamorada, Village of

Islands, hereby approves Change Order No. 1 between the Village and Island Villa Construction, LLC., a copy of which is attached hereto as Exhibit "A", together with such non-material changes as may be acceptable to the Village Manger and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Acting Village Manager and/or her designee and the Village Attorney are authorized to take all necessary and expedient action to implement the terms and conditions of Change Order No. 1.

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 Change Order No. 1.

Section 5. Execution of Change Order. The Acting Village Manager is authorized to execute Change Order No. 1 on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of Change Order No. 1 and to authorize any further acts necessary to implement the terms thereof, subject to approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

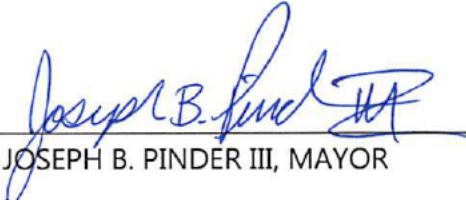
Motion to adopt by Councilman David Webb, seconded by Councilman Mark Gregg.

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 18th DAY OF MARCH, 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

EXHIBIT "A"

CHANGE ORDER NO. 1

VILLAGE/OWNER: Islamorada, Village of Islands

COMPANY: Island Villa Construction, LLC.

PROJECT: Key Tree Cactus Preserve-Phase II

DATE: February 26, 2021

This Change Order will authorize the following changes to the Agreement:

The construction work as set forth in the Agreement is hereby amended as set forth in Exhibit "A" attached hereto and by this reference made a part hereof for all purposes.

This Change Order constitutes full, final, and complete compensation to the Company for all costs, expenses, overhead, and profit that the Company may incur in connection with the above referenced changes to the Agreement, and any other effect on any of the work under the Agreement. The Company acknowledges and agrees that the Agreement Price as reflected in the Agreement will be changed by this Change Order and (b) the Project Schedule and Contract Time for completion of the Boardwalk, Pavilions and Parking Lots will be unchanged by this Change Order. Except as herein or heretofore expressly modified, all terms of the Agreement shall remain in full force and effect and shall cover the performance of, and payment for, any changes in the construction work authorized hereunder. Any defined terms not defined in this Change Order shall have the meanings set forth in the Agreement.

By signing below the parties indicate acceptance of this Change Order as set forth herein.

[Signatures Follow on the Next Page]

VILLAGE/OWNER

ISLAMORADA, VILLAGE OF ISLANDS
a Florida municipal corporation

By: Maria J Bassett
Name: (Maria T Bassett)
Title: Acting Village Manager

Date Executed: 3/22/2021

ATTEST:

Kelley S. Jolk
Village Clerk

Approved as to form and legal sufficiency for the
use and benefit of Islamorada, Village of Islands:

[Signature]
Village Attorney

COMPANY:

ISLAND VILLA CONSTRUCTION, LLC
a Delaware Limited Liability Company

By: [Signature]
Name: Teak Esslinger
Title: President

Date Executed: 3/26/21

CHANGE ORDER #1

ITEM	QUANTITY	UNIT PRICE	AMOUNT	COST/CHANGE TO CONSTRUCTION CONTRACT
BOARDWALK				
4"X20' Schedule 80 steel casing (typ)	34 VLF	\$99.84 /VLF	\$3,394.56	\$3,394.56
Bench	1 EA	\$960.00 /EA	\$960.00	\$960.00
Extra Pin Pile	1 EA	\$1,500.00 /EA	\$1,500.00	\$1,500.00
Total Boardwalk				\$5,854.56
MULCH TRAIL HANDRAILS				
Auger post hole	4 EA	\$384.00 /EA	\$1,536.00	\$1,536.00
6x6x8' PT post	4 EA	\$179.20 /EA	\$716.80	\$716.80
6x6 railroad tie dirt retainer edge	3 EA	\$140.80 /EA	\$422.40	\$422.40
Handrails to match boardwalk design	35 LF	\$32.00 /LF	\$1,120.00	\$1,120.00
Total Mulch Trail Handrails				\$3,795.20
SWALE				
Trench Swale in Coral Rock	1 LS	\$6,000.00	\$6,000.00	\$6,000.00
50/50 Topsoil Mix	4 EA	\$832.00 /EA	\$3,328.00	\$3,328.00
Bahia Grass	45 EA	\$313.60/EA	\$14,112.00	\$14,112.00
Total Swale				\$23,440.00

PAVER PATH				
Pavers Removal and Reinstallation	1,368 SF	\$6.40 /SF	\$8,755.20	\$8,755.20
Limerock fill	1 EA	\$768.00 /EA	\$768.00	\$768.00
Screening sand	1 EA	\$768.00 /EA	\$768.00	\$768.00
Place Screening Sand	1 LS	\$1,013.76	\$1,013.76	\$1,013.76
Total Paver Path				\$11,304.96
INJECTION WELL				
Deleted from Scope of Work	1 LS	\$43,000.00	\$43,000.00	(\$43,000.00)
Total Injection Well				\$-43,000.00
TOTAL NET CHANGE				\$1,394.72