

RESOLUTION NO. 22-06-54

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE SECOND AMENDMENT TO AGREEMENT BETWEEN TRANSPORTATION SOLUTIONS AND LIGHTING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, FOR DESIGN AND INSTALLATION OF A LIGHTING SYSTEM AT THE ARTS AND CULTURAL DISTRICT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SECOND AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 7, 2020, Islamorada, Village of Islands (the "Village") entered into an Agreement (the "Agreement") with Transportation Solutions & Lighting Inc. ("TS&L"), for design and construction of a lighting system in the Arts and Cultural District in Islamorada for an amount not-to-exceed \$381,945.00; and

WHEREAS, the Village Council approved the First Amendment to the Agreement through the adoption of Resolution No. 22-03-27 increasing the total project cost to \$481,755.00; and

WHEREAS, in response to Council direction that TS&L utilize underground conduit for the lighting system, TS&L recently submitted a change order to include underground utilities for a cost of \$18,830.00; and

WHEREAS, the Village Council desires to enter into the Second Amendment to the Agreement in an amount of \$18,830.00 (the "Second Amendment") and agrees to increase the total cost of the project to Five Hundred Thousand Five Hundred Eighty Five and no/100 Dollars (\$500,585.00) and; and

WHEREAS, the Village Council finds that approval of the Second Amendment 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 Second Amendment. The Village Council hereby approves the Second Amendment between the Consultant and the Village, a copy of which is attached as Exhibit "A," 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/her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Second Amendment.

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 Second Amendment.

Section 5. Execution of Documents. The Village Manager is authorized to execute the Second Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Second Amendment and to execute any extensions and/or amendments to the Second 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 Buddy Pinder and seconded by Mayor Pete Bacheler.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Pete Bacheler	Yes
Vice Mayor Henry Rosenthal	Yes
Councilman Mark Gregg	Yes
Councilman Joseph B. Pinder	Yes
Councilman David Webb	Yes

PASSED AND ADOPTED THIS 23rd DAY OF JUNE, 2022.



PETE BACHELER, MAYOR

ATTEST:



MARNE MCGRATH, VILLAGE CLERK

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



JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

**SECOND AMENDMENT TO AGREEMENT
BETWEEN
ISLAMORADA, VILLAGE OF ISLANDS
AND
TRANSPORTATION SOLUTIONS & LIGHTING, INC.**

THIS SECOND AMENDMENT to the Agreement (the "Second Amendment") is made between **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the "Village") and **TRANSPORTATION SOLUTIONS & LIGHTING, INC.**, a Florida corporation ("CONTRACTOR").

This Second Amendment restates and duplicates the Agreement in all respects other than as reflected in strike-through/add format below reflecting the changes made by this Second Amendment. Other than as set forth in strike-through/add format herein, the terms of the Agreement remain the same as set forth previously and in full force and effect as originally written. This Second Amendment amends the Contract Sum and constitutes and is deemed a "Change Order," as defined and required in the Agreement.

WHEREAS, CONTRACTOR and the Village entered into a certain Agreement (the "Agreement") effective June 5, 2020, attached hereto as Exhibit "B"; and

WHEREAS, CONTRACTOR and the Village entered into a certain First Amendment to the Agreement effective March 10, 2022, attached hereto as Exhibit "C"; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this Second Amendment, CONTRACTOR and the Village agree as follows.

Section 1. Amendment to Agreement. The Agreement is amended to provide the services set forth in Exhibit "A," attached to this Amendment, and to amend Article 4 of the Agreement to read as follows:

ARTICLE 4
CONTRACT SUM

4.1. The VILLAGE hereby agrees to pay CONTRACTOR for the faithful performance of this Agreement for work completed in accordance with the Proposal attached hereto as Exhibit "A," and as directed by VILLAGE. Prices for work completed by the CONTRACTOR shall be as reflected in CONTRACTOR'S Proposal attached hereto and made a part hereof as Exhibit "A." Except with respect to changes to the scope of the Project as agreed by the parties and set forth in Exhibit as amended from time to time, the total contract price hereto is referred to as Contract Sum and shall not exceed ~~Four Hundred Eighty-one Thousand Seven Hundred Fifty-five Five Hundred Thousand Five Hundred Eighty-five and no/100 Dollars (\$500,585.00)~~.

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 Second Amendment shall be effective June 23, 2022.

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

Attest:

Marne McGrath
Marne McGrath, Village Clerk

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

B. Berner
Interim Village Attorney

ISLAMORADA, VILLAGE OF ISLANDS

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

Date: 6/30/2022

**TRANSPORTATION SOLUTIONS &
LIGHTING, INC.**

By: Bradford Berner
Bradford Berner, Vice President

Date: 7/11/22

Witness: Karen B.

Witness: Lis M.



Estimate

EST-004996

Transportation Solutions & Lighting, Inc.

980 North Federal Highway
Suite 110
Boca Raton, Florida 33432

Bill To

Village of Islamorada
86800 Overseas Hwy
Islamorada Florida 33036

Ship To

Village of Islamorada
86800 Overseas Hwy
Islamorada Florida 33036

Estimate Date : 17 Jun 2022

#	Item & Description	Qty	Rate	Amount
1	TS&L Electrical Services SKU : TSLELESER 1. Dig trench from 3" stub up on island side to one existing over head power pole as discussed on one island 2. Dig trench from 3" stub up on island side to new pole to be provided and installed by other on two islands 3. Dig trench from one new pole to be provided and installed by other to FKEC power pole hand hole across the street, including cutting asphalt, but not installing new asphalt, backfill only 4. Backfill trench	1.00	6,140.00	6,140.00
2	TS&L Electrical Services SKU : TSLELESER 1. Run 3" pvc conduit from stub up on island side to one existing over head power pole base 2. Run 3" pvc conduit from stub up on island side to two new power poles to be installed by other 3. Run 3" pvc conduit from one new power pole to be provided and installed by other to across the street FKEC power pole hand hole at the base of each services on the islands 4. Install a hand hole at the base of each services on the islands 5. Pull #6 wires from new hand hole at the base of each services to across the street FKEC hand hole Note: Final connections in FKEC hand hole to be done by FKEC	1.00	12,690.00	12,690.00

Sub Total 18,830.00

Total \$18,830.00