

RESOLUTION NO. 21-04-36

**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 ARBOR TREE AND LAND, INC. RELATED TO THE
CANAL RESTORATION SEDIMENT REMOVAL SERVICES;
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 October 30, 20, Islamorada, Village of Islands (the "Village") entered into an Agreement with Arbor Tree and Land Inc. (the "Contractor") to dredge and dispose of sediment within five (5) residential canals on Lower Matecumbe Key that were impacted by Hurricane Irma; and

WHEREAS, Section 1 "Scope of Services" of the Agreement provides for changes, modifications, and additions to the Agreement; and

WHEREAS, the Village staff have drafted Change Order #1 for additional sediment to be dredged and hauled from four of the five canals in order to complete the project; and

WHEREAS, Change Order No. 1 provides for changes to the Scope of Services to reflect the additional work 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 Arbor Tree and Land Inc. 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 Arbor Tree and Land Inc., a copy of which is attached hereto 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 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 Vice Mayor Pete Bacheler.

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 29TH DAY OF APRIL, 2021.



JOSEPH B. PINDER III, MAYOR

ATTEST:



Kelly S. Toth
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: Arbor Tree and Land Inc.

PROJECT: Hurricane Irma Recovery - Canal Restoration Sediment Removal Services

DATE: April 29, 2021

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

The Project work as set forth in the Project 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 Project Agreement, and any other effect on any of the Project work under the Project Agreement. The Company acknowledges and agrees that the Project Agreement Price under the project Agreement will be changed by this Change Order and (b) the Project Schedule and Contract Time for completion of the Canal Restoration Sediment Removal Services will be unchanged by this Change Order. Except as herein or heretofore expressly modified, all terms of the Project 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 Project Agreement.

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

[Signatures Follow on the Next Page]

Change Order No. 1

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VILLAGE/OWNER

ISLAMORADA, VILLAGE OF ISLANDS
a Florida municipal corporation

By: Maria T Bassett
Name: Maria T Bassett
Title: Acting Village Manager/Finance Dir
Date Executed: 5/3/2021

ATTEST:

Kelly S. Roth
Village Clerk

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



Village Attorney

COMPANY:

ARBOR TREE AND LAND, INC
a Florida corporation

By: William Hodges
Name: William Hodges
Title: President
Date Executed: 5 - 6 - 21

CHANGE ORDER No. 1

ISLAMORADA, VILLAGE OF ISLANDS

Project Agreement with Arbor Tree & Land, Inc.

Revised Unit Price Sheet

Item #	Description	Unit	Rate	Original		Revised		Quantity Increase	Budget	\$1,400,000.00
				Quantity	Original Total	Quantity	Revised Total			
1	Mobilization & Demobilization	LS	\$ 50,000.00	1.00	\$ 50,000.00	1.00	50,000.00	-		
2	Maintenance of Traffic	LS	\$ 8,000.00	1.00	\$ 8,000.00	1.00	8,000.00	-		
3	Staging set-up, management & complete restoration	LS	\$ 10,000.00	1.00	\$ 10,000.00	1.00	10,000.00	-		
4	Floating Turbidity Barriers	LF	\$ 10.00	3,890.00	\$ 38,900.00	3,890.00	38,900.00	-		
5	Dredging									
	Canal 157	CY	\$ 86.00	901.76	\$ 77,551.36	6,022.00	\$ 517,892.00	5,120.24	\$ 440,340.64	
	Canal 152	CY	\$ 86.00	2,736.82	\$ 235,366.52	2,513.85	\$ 216,191.10	(222.97)	\$ (19,175.42)	
	Canal 151	CY	\$ 86.00	141.16	\$ 12,139.76	341.16	\$ 29,339.76	200.00	\$ 17,200.00	
	Canal 147	CY	\$ 86.00	841.24	\$ 72,346.64	1,022.35	\$ 87,922.10	181.11	\$ 15,575.46	
	Canal 148	CY	\$ 86.00	309.29	\$ 26,598.94	1,031.93	\$ 88,745.98	722.64	\$ 62,147.04	
				4,930.27	\$ 424,003.22	10,931.29	\$ 940,090.94	6,001.02	\$ 516,087.72	
6	Hauling									
	Canal 157	CY	\$ 17.00	901.76	\$ 15,329.92	6,022.00	\$ 102,374.00	5,120.24	\$ 87,044.08	
	Canal 152	CY	\$ 17.00	2,736.82	\$ 46,525.94	2,513.85	\$ 42,735.45	(222.97)	\$ (3,790.49)	
	Canal 151	CY	\$ 17.00	141.16	\$ 2,399.72	341.16	\$ 5,799.72	200.00	\$ 3,400.00	
	Canal 147	CY	\$ 17.00	841.24	\$ 14,301.08	1,022.35	\$ 17,379.95	181.11	\$ 3,078.87	
	Canal 148	CY	\$ 17.00	309.29	\$ 5,257.93	1,031.93	\$ 17,542.81	722.64	\$ 12,284.88	
				4,930.27	\$ 83,814.59	10,931.29	\$ 185,831.93	6,001.02	\$ 102,017.34	
7	Tipping Fees	TN	\$ 4.10	7,987.04	\$ 32,746.86	-	\$ -	(7,987.04)	\$ (32,746.86)	
	SUBTOTAL				\$ 647,464.67		\$ 1,232,822.87		\$ 585,358.20	\$ 1,232,822.87
	<i>Contingency (5%)</i>				\$ 32,373.23		\$ -		(32,373.23)	
	TOTALS				\$ 679,837.91		\$ 1,232,822.87		\$ 552,984.96	\$ 1,232,822.87
	<i>Under / (Over) Budget Amount</i>				\$ 720,162.09		\$ 167,177.13			\$ 167,177.13