

RESOLUTION NO. 23-07-73

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN DOCKMASTERS MARINE CONSTRUCTION, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE PROFESSIONAL CONTRACTOR SERVICES ; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on January 4, 2023, Islamorada, Village of Islands (the "Village"), published a Request for Proposals for a Construction Contractor for Marina Decking Replacement ("RFP 23-02"); and

WHEREAS, on March 2, 2023, the Village Council of Islamorada, Village of Islands (the "Village Council") adopted Resolution No. 23-03-24, thereby approving the final rankings and recommendations of the RFP 23-02 Selection Committee whereby Dockmasters Marine Construction, Inc. ("Dockmasters") was selected to provide professional contractor services to the Village; and

WHEREAS, the Village subsequently entered into an Agreement (the "Agreement") with Dockmasters for professional contractor services effective March 27, 2023, until project completion; and

WHEREAS, the Village Council finds that approval of a First Amendment to the Agreement with Dockmasters to expand the scope of work 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 First Amendment. The Village Council hereby approves a First Amendment to the Agreement between Dockmasters and the Village for provision of Professional Contractor Services for the Marina Decking Replacement Project (the "First Amendment"), 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 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 Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the First Amendment.

Section 5. Execution of First Amendment. The Village Manager is authorized to execute the First Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the First 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 Council Member Jolin, second by Vice Mayor Mahoney.

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

Mayor Joseph B. Pinder III	<u>Yes</u>
Vice Mayor Sharon Mahoney	<u>Yes</u>
Councilman Mark Gregg	<u>Yes</u>
Councilwoman Elizabeth Jolin	<u>Yes</u>
Councilman Henry Rosenthal	<u>Yes</u>

PASSED AND ADOPTED THIS 27 DAY OF JULY, 2023.

DocuSigned by:

Joseph B. Pinder III

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JOSEPH B. PINDER III, MAYOR

ATTEST:

DocuSigned by:

Marne K. McGrath

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MARNE MCGRATH, VILLAGE CLERK

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

DocuSigned by:

JJ Quick

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JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

**FIRST AMENDMENT TO
AGREEMENT BETWEEN
ISLAMORADA, VILLAGE OF ISLANDS
AND
DOCKMASTERS MARINE CONSTRUCTION, INC.**

THIS FIRST AMENDMENT to the Agreement (the “First Amendment”) is made between **DOCKMASTERS MARINE CONSTRUCTION, INC.**, a Florida corporation (“CONTRACTOR”) and **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the “VILLAGE”).

WHEREAS, CONTRACTOR and the VILLAGE entered into a certain Agreement (the “Agreement”) effective March 27, 2023; and

WHEREAS, the parties desire to enter into this First Amendment to modify the scope of work through Change Order No. 1 and update pricing.

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

Section 1. Amendment to Article 4 of the Agreement. The Agreement is amended to replace Sections 4.1, with the following language:

ARTICLE 4
CONTRACT PRICE, GUARANTEES AND WARRANTIES

4.1 The VILLAGE hereby agrees to pay CONTRACTOR for the faithful performance of this Agreement for work completed in accordance with the Proposal and Invoice attached hereto as composite Exhibit “A”, and as directed by VILLAGE. Prices for work completed by the CONTRACTOR shall be as reflected in composite Exhibit “A”. A total contract price hereto is referred to as “Contract Price” and shall not exceed **Seven Hundred Seven Thousand Nine Hundred Sixty-three and no-100 Dollars (\$707,963.00)**.

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 First Amendment shall be effective upon execution by all parties.

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 CONTRACTOR by and through its principal.

Attest:

ISLAMORADA, VILLAGE OF ISLANDS

for Stephanie Conde

Marne McGrath, Village Clerk

By: *Bryan Cook 8/23/23*

Bryan Cook Village Manager
Interim

Approved as to form and legal sufficiency:

Date: *8/23/23*

By: *[Signature]*

Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

CONTRACTOR

By: *Tom Demand*

Print Name: *Tom Demand*

Title: *President*

Date: *8-23-2023*

Invoice

DOCKMASTERS MARINE CONSTRUCTION INC.

86560 OVERSEAS HIGHWAY
 ISLAMORADA FL.
 33036
 305-853-2662
 CELL. 306-923-6338

Date: 07/05/2023
 Invoice No.: 10042
 Due Date: 08/04/2023

Bill To:
 VILLAGE
 VILLAGE OF ISLAMORADA

Qty	Item	Description	Unit Price	Total
1		DOCK 1# BULKHEAD: REPLACEMENT OF HARDWARE RELATED TO THE CLEATS. EXISTING HAD TO BE CUT OFF, (16 DOCKS). DOCK 2# ADDING STRINGERS, DECK SCREWS, LABOR ON ENTRANCE APPROX. 30'	\$7,990.00	\$7,990.00

Total \$7,990.00
Balance Due \$7,990.00

Please contact us for more information about payment options.

Thank you for your business.