

**RESOLUTION NO. 19-08-57**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 5 BETWEEN WADE TRIM, INC. AND ISLAMORADA, VILLAGE OF ISLANDS FOR GENERAL ENGINEERING SERVICES, OWNER'S REPRESENTATIVE SERVICES, DESIGN, PERMITTING AND CONSTRUCTION PHASE SERVICES, PERMITTING AND CONNECTION ASSISTANCE SERVICES, AND OPERATIONS ASSISTANCE FOR THE VILLAGE WASTEWATER UTILITY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 5; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT TO THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on June 4, 2015, Islamorada, Village of Islands (the "Village") entered into a Continuing Services Agreement (the "Agreement") with Wade Trim, Inc. ("Wade Trim") for engineering services; and

**WHEREAS**, on September 6, 2018, the Village Council of Islamorada, Village of Islands (the "Village Council") passed and adopted Resolution No. 18-09-96, thereby approving Project Agreement/Work Authorization No. 5, under the Agreement at a not-to-exceed amount of \$281,500.00 for fiscal year 2018-2019; and

**WHEREAS**, through a memorandum dated July 18, 2019, Wade Trim advised the Village that by the end of June, 2019, the not-to-exceed amount of \$281,500.00 had been met, and that Wade Trim requested an increase in the not-to-exceed amount by \$59,500.00 to \$341,000.00 through September 30, 2019; and

**WHEREAS**, the Village and Wade Trim. desire to enter into the First Amendment to Work Authorization No. 5 (the "First Amendment"), to provide the aforementioned services; and

**WHEREAS,** the Village Council finds that approval of the First Amendment to Work Authorization No. 5 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 Amendment.** The Village Council hereby approves the First Amendment to Work Authorization No. 5 between Wade Trim 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 her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Work Authorization.

**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 Authorization.

**Section 5. Execution of Documents.** 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 and to execute any extensions and/or amendments to 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 Vice Mayor Mike Forster, second by Councilman Jim Mooney.

**FINAL VOTE AT ADOPTION**

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

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	ABSENT
Councilman Jim Mooney	YES

**PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF AUGUST, 2019.**

  
\_\_\_\_\_  
DEB GILLIS, 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  
BETWEEN  
ISLAMORADA, VILLAGE OF ISLANDS  
AND  
WADE TRIM, INC.  
FOR  
WORK AUTHORIZATION NO. 5**

**This First Amendment** to the Project Agreement for Work Authorization No. 5 (the "First Amendment") is made and entered into this 14<sup>th</sup> day of August, 2019, by and between **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the "VILLAGE") and **WADE TRIM, INC.**, A Florida corporation (the "CONSULTANT").

The VILLAGE and CONSULTANT previously entered into a Project Agreement for Work Authorization No. 5, dated October 1, 2018 (the "Project Agreement"), pursuant to the provisions contained in the "Continuing Services Agreement" between the VILLAGE and CONSULTANT dated June 4, 2015 (the "Continuing Services Agreement"). This First Amendment restates and duplicates the Project Agreement in all respects other than as reflected in strike-through/add format below reflecting the changes made by this First Amendment. Other than as set forth in strike-through/add format herein, the terms of the Project Agreement remain the same as set forth previously and in full force and effect as originally written.

This First Amendment amends the Payment Schedule and constitutes and is deemed a "Change Order," as defined and required in the Continuing Services Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth in this First Amendment, the parties hereby amend the Project Agreement as follows:

**Section 1. Amendment to Agreement.** The Agreement is amended to read as follows:

\*\*\*

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

4.1 **Hourly Not to Exceed Compensation.** VILLAGE agrees to pay CONSULTANT as compensation for performance of all services described in Exhibit "2" **AT CONSULTANT'S HOURLY RATES, UP TO A MAXIMUM AMOUNT NOT TO EXCEED \$281,500.00 \$341,000.00, FOR THE 2018-2019 FISCAL YEAR AS SHOWN IN EXHIBIT 3.**

\*\*\*

**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 for the herein.

**Section 3. Effective Date.** This First Amendment shall be effective on August 8, 2019.

**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 by CONSULTANT by and through its principal.

Attest:

**ISLAMORADA, VILLAGE OF ISLANDS**

  
\_\_\_\_\_  
Kelly Toth, Village Clerk

By:   
\_\_\_\_\_  
Seth Lawless, Village Manager

Date: 8-9-19

**WADE TRIM, INC.**

By:   
\_\_\_\_\_  
Thomas S. Brzezinski, P.E.  
Executive Vice President

8-14-19  
Date

  
\_\_\_\_\_  
Witness



**MEMORANDUM**

**DATE:** July 18, 2019

**TO:** Seth Lawless, Village Manager, Islamorada, Village of Islands  
Maria Bassett, Village Finance Director/Deputy Village Manager

**FROM:** Dan Burden, Ph.D., P.E., Wade Trim

**CC:** Tom Brzezinski, P.E., Wade Trim

**RE:** Additional FY19 Budget Request

As discussed at our recent progress meeting, Wade Trim's budget for Work Authorization No. 5 was completely expended by the end of June 2019. With three months (13 weeks) remaining in this fiscal year, we anticipate the need for additional budget to continue to provide the Village with engineering services for ongoing project efforts and general engineering services on a daily basis as required for the Village Wastewater Department. The attached summary provides you with an overall status report on each task item in Work Authorization No. 5 and our estimated budget needs for the remainder of the fiscal year.

**Task 1 – FDEP Permit Reviews**

Since October 2018, Wade Trim has reviewed and processed 27 FDEP construction and service connection permits for the Village. Currently we have a total of 3 FDEP construction permits and a total of 12 Place Into Operation (PIO) permits that remain to be processed for service connections, for a total of 15 FDEP permits (not including new developments). We anticipate processing 9 of these FDEP permits (3 Construction and 6 PIO permits) in the remainder of the FY19.

Additional FY19 Budget Request: **\$36,000**

**Task 2 – Wastewater Operations**

Participation and periodic attendance at bi-weekly Operations meetings will continue for the remaining 3 months.

Additional FY19 Budget Request: **\$2,500**

**Task 3 – Founders Park**

All work under this task effort has been completed.



#### **Task 4 - Anne's Beach Construction**

Approximately \$9,000 remaining in the Anne's Beach task effort was used for processing FDEP construction and PIO permits between April and June 2019. These monies were previously earmarked for Anne's Beach construction services which is scheduled to take place during the remaining 3 months of this fiscal year.

Additional FY19 Budget Requested: **\$9,000**

#### **Task 5 – NPK Transfer Pump Station Emergency Storage**

All work under this task effort has been completed.

#### **Task 6 – General Engineering**

##### Task 6A. Development Reviews and Miscellaneous EDU Evaluations

A total of 7 development permit reviews have been completed to date. Continue to provide the Planning Department with engineering reviews and approvals for the remaining 3 months. Additionally, provide engineering evaluations pertaining to miscellaneous EDU evaluations as requested by the Finance Department.

Additional FY19 Budget Request: **\$5,000**

##### Task 6B. Building Department Permit Review Assistance

Continue to provide the Building Department with engineering assistance as needed with wastewater permit reviews and approvals for the remaining 3 months.

Additional FY19 Budget Request: **\$5,000**

#### **Task 7 – Miscellaneous Engineering**

Miscellaneous engineering requests will continue to be provided to the Village on an as-needed basis.

Additional FY19 Budget Requested: **\$2,000**



## Summary

The estimated additional budget required for the remainder of FY2019 associated with each task effort is summarized in the table below.

### Wade Trim Additional FY19 Budget Request (July through September 2019)

Task Description	Estimated Additional Task Budget
1 – Permitting Assistance	\$36,000
2 – Wastewater Operations	\$2,500
3 – Founders Park Wastewater Improvements	\$0
4 – Anne's Beach Wastewater Improvements	\$9,000
5 – NPK Transfer Pump Station Improvements	\$0
6 – General Engineering (Tasks 6A & 6B)	\$10,000
7 – Miscellaneous Engineering	\$2,000
<b>Total Estimated FY19 Contract Amendment</b>	<b>\$59,500</b>