

**RESOLUTION NO. 19-03-11**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE CONSTRUCTION AGREEMENT BETWEEN ISLAMORADA VILLAGE OF ISLANDS AND ISLAND VILLA CONSTRUCTION, LLC FOR THE ANNE'S BEACH 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 October 15, 2018, the Village entered into a Construction Agreement with Island Village Construction, LLC (“Contractor”) to build a new boardwalk, six (6) Pavilions and restore the parking lots at Anne’s Beach; and

**WHEREAS**, Article X “Changes to Scope of Work and Additional Work” of the Construction Agreement provides for changes, modifications, and additions to the Construction Agreement; and

**WHEREAS**, in December 2018, an unforeseen coastal void caused a drill rig to tip over at the construction site; and

**WHEREAS**, Change Order No. 1 provides for payment to the Contractor for expenses incurred to remediate the site; and

**WHEREAS**, in January 2019, the Contractor suggested and Village Staff recommends an overlay to the asphalt on the south parking lot to extend the service life; and

**WHEREAS**, the designing engineer The Weiler Corporation, Inc. (“Weiler”) reviewed and approved Change Order No. 1; and

**WHEREAS**, the Village Council finds that approval of Change Order No. 1 to the Construction 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 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 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 Manger pursuant to the Village's Purchasing Procedures Ordinance, the 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 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 5.**    **Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman Jim Mooney, second by Vice Mayor Mike Forster.

**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 ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019.**

  
\_\_\_\_\_  
DEB GILLIS, VILLAGE MAYOR

ATTEST:

  
\_\_\_\_\_  
KELLY J. TOTH, VILLAGE CLERK

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

  
\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY

# Exhibit A

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## CHANGE ORDER NO. 1

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**VILLAGE/OWNER:** Islamorada, Village of Islands

**COMPANY:** Island Villa Construction, LLC.

**PROJECT:** Anne's Beach Boardwalk Replacement

**DATE:** March 15, 2019

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

The construction work as set forth in the Construction 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 Construction Agreement, and any other effect on any of the Construction work under the Construction Agreement. The Company acknowledges and agrees that the Construction Agreement Price under the Construction 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 Construction 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 Construction 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: Seth Lawless  
Name: Seth Lawless  
Title: Village Manager

Date Executed: 3/15/19

**COMPANY:**

**ISLAND VILLA CONSTRUCTION, LLC  
a Delaware Limited Liability Company**

Date Executed: 3/19/19

**ATTEST:**

Kelley S. Sotk  
Village Clerk

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

## Village Attorney

# **EXHIBIT A Available Upon Request.**

Please contact Village Clerk at  
305-664-6413 or  
[deputyclerk@islamorada.fl.us](mailto:deputyclerk@islamorada.fl.us)