RESOLUTION NO. 12-06-42

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
APPROVING THE DESIGN, BUILD AND OPERATE (DBO) AGREEMENT BETWEEN ISLAMORADA WATER, LLC
AND ISLAMORADA, VILLAGE OF ISLANDS, TO DESIGN, BUILD, AND OPERATE THE VILLAGE’S WASTEWATER
SYSTEM AND APPROVING THE PURCHASE OF A CAPITAL IMPROVEMENT PURSUANT TO SECTION 2-327(h)
OF THE VILLAGE’S CODE OF ORDINANCES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT
THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND
BUDGETED FUNDS; AUTHORIZING THE VILLAGE MAYOR TO EXECUTE THE AGREEMENT; AND
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 28, 2011, Islamorada Village of islands (the “Village”) issued a
Request for Proposals (RFP) for Design-Build-Operate-Finance (DBOF) for the Village’s
wastewater collection and treatment system as part of a DBOF procurement process; and

WHEREAS, in accordance with the RFP, the Evaluation Committee scored and ranked
two (2) responses to the RFP in accordance with the criteria set forth in the RFP; and

WHEREAS, on December 13, 2011, the Village Council authorized the Village Manager
to enter into contract negotiations with Veolia/AECOM team (Islamorada Water, LLC), the
highest ranked firm; and

WHEREAS, the Agreement and the construction of the Village wastewater system
constitutes a “capital improvement” pursuant to Section 2-327(h) of the Village’s Code of
Ordinances requiring approval by an affirmative vote of four (4) or more council members, and
shall be identified as a capital improvement program in the annual budget and in the Capital
Improvements Plan; and

WHEREAS, the Village Council finds that approval of the Design, Build and Operate
(DBO) Agreement between Islamorada Water, LLC and the Village (the “Agreement”) attached
hereto 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 Agreement.  The Agreement between Islamorada Water, LLC and the Village to Design, Build and Operate the Village’s wastewater system, 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, is approved. Pursuant to Section 2-327(h) of the Village’s Code of Ordinances, the Agreement and the expenditures required therein are hereby approved as a Capital Improvement.

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 Agreement.

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 Agreement.

Section 5.  Execution of Agreement. The Village Mayor is authorized to execute the Agreement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Village
Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 5th day of June, 2012.

Motion to adopt by Councilman Achenberg, second by Councilman Blackburn.

FINAL VOTE AT ADOPTION
Mayor Michael Reckwerdt Yes
Vice Mayor Ken Philipson Yes
Councilman Don Achenberg Yes
Councilman Ted Blackburn Yes
Councilman Dave Purdo No

Ken Philipson, Vice Mayor

ATTEST:

Debra E. Eastman, MMC
Village Clerk

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

Village Attorney