RESOLUTION NO. 13-09-70

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
APPROVING CHANGE ORDER NO. 4 TO THE DESIGN BUILD AND OPERATE (DBO) AGREEMENT BETWEEN
REYNOLDS WATER ISLAMORADA, LLC AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE
BICYCLE LANE DESIGN AND CONSTRUCTION ON SELECTED VILLAGE STREETS; AUTHORIZING VILLAGE
OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CHANGE ORDER; AUTHORIZING
THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO
EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 21, 2012, the Village entered into a Design Build and Operate (DBO) Agreement with Reynolds Water Islamorada, LLC (“Reynolds”) to provide design, construction and operation of a Village-wide wastewater system (“DBO Agreement”); and;

WHEREAS, on July 18, 2013, the parties executed Change Order No. 2 to the DBO Agreement authorizing Reynolds to provide a complete asphalt overlay of designated Village roads and streets; and

WHEREAS, the Village Council has requested an addition to the Design/Build Work which would provide for bicycle lanes on select Village streets within North Plantation Key and Middle Plantation Key; and

WHEREAS, Change Order No. 4 provides for the design and construction of bicycle lanes on select Village streets to be completed in conjunction with the asphalt overlay within North Plantation Key and Middle Plantation Key; and

WHEREAS, the Village Council finds that approval of Change Order No. 4 to the DBO Agreement between Reynolds and the Village, attached hereto as Exhibit “1”, 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. Change Order No. 4 between
Reynolds and the Village, a copy of which is attached hereto as Exhibit “1”, 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.

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 Change Order No. 4 and this Resolution.

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 Change Order No. 4.

Section 5. Execution of Change Order. The Village Manager is authorized to
execute Change Order No 4 on behalf of the Village, to execute any required agreements and/or
documents to implement the terms and conditions of Change Order No. 4 and this Resolution
and to authorize any further acts necessary to implement the terms thereof, 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 Councilman Mike Forster, second by Councilwoman Deb Gillis.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:

Mayor Ken Philipson       YES
Vice Mayor Ted Blackburn  YES
Councilman Mike Forster   YES
Councilwoman Deb Gillis   YES
Councilman Dave Purdo     YES

PASSED AND ADOPTED this 12th day of September, 2013.

[Signature]
KEN PHILIPSON, MAYOR

ATTEST:

[Signature]
VILLAGE CLERK

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

[Signature]
VILLAGE ATTORNEY
CHANGE ORDER NO. 4

VILLAGE/OWNER: Islamorada, Village of Islands

COMPANY: Reynolds Water Islamorada, LLC

PROJECT: Design, Build, Operate (DBO) Agreement for Wastewater Collection and Transmission

DATE: September ____, 2013

This Change Order will authorize the following change to the Design/Build Work and DBO Agreement:

   The Design/Build Work as set forth in the DBO 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 Design/Build Work, and any other effect on any of the Design/Build Work under the DBO Agreement. The Company acknowledges and agrees that (a) the Design/Build Price under the DBO Agreement will be changed by this Change Order, (b) the Project Schedule and Contract Time for performance of the Design/Build Work for design and construction of the Wastewater Facilities will be unchanged by this Change Order, and (c) the Project Schedule and Contract Time for the performance of the Bicycle Lane Paving Work constituting part of the Design/Build Work described in this Change Order No. 4 will provide for a Final Completion Date for Bike Lane Paving Work in North Plantation Key and Middle Plantation Key of December 31, 2013. Except as herein or heretofore expressly modified, all terms of the DBO Agreement shall remain in full force and effect and shall cover the performance of, and payment for, any changes in the Design/Build Work authorized hereunder. Any defined terms not defined in this Change Order shall have the meanings set forth in the DBO Agreement.

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

[Signatures Follow on the Next Page]
VILLAGE/OWNER:

ISLAMORADA, VILLAGE OF ISLANDS
a Florida municipal corporation

By: ___________________________
Name: _________________________
Title: __________________________
Date Executed: _________________

COMPANY:

REYNOLDS WATER ISLAMORADA, LLC
a Delaware Limited Liability Company

By: ___________________________
Name: _________________________
Title: __________________________
Date Executed: _________________

ATTEST:

______________________________
Village Clerk

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

______________________________
Village Attorney
## EXHIBIT “A”

## CHANGE ORDER NO. 4

<table>
<thead>
<tr>
<th>Date of Change Order:</th>
<th>September __, 2013</th>
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<tbody>
<tr>
<td>Title of Change Order:</td>
<td>North Plantation Key and Middle Plantation Key Bicycle Lane Paving (CCR 11)</td>
</tr>
<tr>
<td>Original Design/Build Price:</td>
<td>$90,900,000.00</td>
</tr>
<tr>
<td>This Change Order Value: (Increase or Decrease in Design/Build Price)</td>
<td>$175,354.92 (Bicycle Lane Paving on Royal Poinciana Boulevard, Seminole Boulevard and Sunshine Boulevard).</td>
</tr>
<tr>
<td>Value of Previous Change Orders:</td>
<td>$6,876,059.60 (With Phase 1 of Paving Work)</td>
</tr>
<tr>
<td></td>
<td>Up to a maximum lump sum of $7,365,178.60 should Village issue Notice-To-Proceed on Phase 2 of Change Order No. 2 Paving Work</td>
</tr>
<tr>
<td></td>
<td>Up to a maximum lump sum amount of $8,258,106.60 should Village issue Notice-To-Proceed for Phase 2 of Paving Work and authorize all private roads within Phase 3 of Paving Work.</td>
</tr>
<tr>
<td>Current Design/Build Price (including this CO):</td>
<td>$97,951,414.52 (with Phase 1 Paving Work and Bicycle Lane Paving on Royal Poinciana Boulevard, Seminole Boulevard and Sunshine Boulevard).</td>
</tr>
<tr>
<td></td>
<td>Up to a maximum lump sum amount of $98,440,533.52 should Village issue Notice-To-Proceed proceed for Phase 2 Paving Work.</td>
</tr>
<tr>
<td></td>
<td>Up to a maximum lump sum amount of $99,333,461.52 should Village issue Notice-To-Proceed for Phase 2 of Paving Work and authorize all private roads within Phase 3 of Paving Work.</td>
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<tr>
<td>Original Project Completion Dates:</td>
<td>Substantial: June 1, 2015 Final: December 1, 2015</td>
</tr>
<tr>
<td>Changes in Contract Time from this Change Order:</td>
<td>Substantial: 0 Days Final: 0 Days</td>
</tr>
</tbody>
</table>
DESCRIPTION OF CHANGE(S) IN DESIGN/BUILD WORK AND/OR CONTRACT TIME; SCOPE OF WORK:

The Company shall complete the work associated with the Design/Build of Bicycle Lane Paving in accordance with the following Scope of Work:

Royal Poinciana Boulevard (North Plantation Key)
Upon execution of this Change Order No. 4, the Company shall commence the work associated with construction of 5-ft. wide asphalt bike lanes along both sides of Royal Poinciana Boulevard between Gardenia Avenue and Bougainvillea Street within North Plantation Key using Village provided design documents. The work will be performed in conjunction with the Village Pavement Overlay Program or Paving Work (Change Order No. 2). Tasks for this work shall be included in the Project Schedule to complete this Scope of Work.

Seminole Boulevard (Middle Plantation Key)
Upon execution of this Change Order No. 4, the Company shall commence the work associated with design, engineering and construction of 5-ft. wide asphalt bike lanes along both sides of Seminole Boulevard between Overseas Highway and Indian Mound Trail within Middle Plantation Key. The work, will be performed in conjunction with the Village Pavement Overlay Program or Paving Work (Change Order No. 2). Tasks for this work shall be included in the Project Schedule to complete this Scope of Work.

Sunshine Boulevard (North Plantation Key)
Upon execution of this Change Order No. 4, the Company shall commence the work associated with design, engineering and construction of 5-ft. wide asphalt bicycle lanes along both sides of Sunshine Boulevard between Overseas Highway and Harbor Lane within North Plantation Key. The work will be performed in conjunction with the Village Pavement Overlay Program or Paving (Change Order No. 2). Tasks for this work shall be included in the Project Schedule to complete this Scope of Work.

The following Definitions are hereby added to the DBO Agreement or amended in connection with the bicycle lane paving work required in this Change Order No. 4:

“Bicycle Lane Paving Work” means everything required to be furnished and done for and relating to the design, engineering, construction and Acceptance of bicycle lanes within the indicated Village roads and streets as set forth in this Change Order No. 4, including the employment and furnishing of all labor, materials, equipment, supplies, tools, transportation, Utilities, insurance, temporary facilities and other things and services or every kind whatsoever necessary for the full performance and completion of the Company’s design, engineering, construction and Acceptance, obtaining and maintaining Governmental Approvals and related obligations with respect to the design and construction of the bicycle lanes within the Village.
roads and streets. The Paving Work as defined in Change Order No. 2 constituting part of the Design/Build Work shall include all Bicycle Lane Paving Work as authorized by this Change Order No. 4.

No Change in the Contract Time is applicable to the Bicycle Lane Paving Work described in this Change Order No. 4. Existing Contract Dates and Project Completion Dates, including Substantial Completion Date and Final Completion Date as defined in the DBO Agreement, including prior Change Orders, remain unchanged and are firm and applicable as to the Design/Build Work for the Wastewater Facilities.

The Scope of Work for the Bicycle Lane Paving Work is as follows:

I. Design

Design services for Seminole Boulevard and Sunshine Boulevard to be completed under this Change Order No. 4 include:

Task D.1 - Road Right-of-Way Survey

Gathering information about the existing road and road right-of-ways using Google Earth, road maps, aerial photography, Village provided drawings, the Monroe County Property Appraiser’s Office and site visits. Specific road details to be determined in the survey include:

1. A review of the existing information from reports, maps, aerials, surveys and The Monroe County Property Appraiser’s Office to determine existing road right-of-ways and existing features adjacent to the roads
2. Identify manholes, catch basins, and valve boxes to be adjusted
3. Identify driveway approaches requiring modifications
4. Identify right-of-way encumbrances impacting the proposed work.

Information gathered from the above sources will be used to develop road plan views based on aerial photographs and/or existing maps.

Task D.2 – Final Design and Construction Documents

This Task consists of preparing construction documents based upon data collected about each road during Task D.1 road survey and site visits. 11” x 17” plan and note sheets will be prepared to detail the proposed bicycle path limits and identify and address any adjustments required for conflicts with existing right-of-way features such as driveways, mailboxes, landscaping, and existing utilities. Prior to commencing any Bicycle Lane Paving Work, the Company shall address and work with the Village in connection with the removal and/or relocation of any features or improvements located on the right-of-way. The design and construction documents shall include at least all of the following information as minimum requirements for all Bicycle Lane Paving Work:

- Grade preparation details, aggregate base requirements, asphalt depths, and mix design based on bike lane design criteria included with Construction Change Request (CCR) No. 11 plan sheets
- Integration of proposed improvements with current Village Paving Work
- Details to address drop-offs with the edge of pavement to the existing shoulder
after installation of the bicycle lanes
- Construction details showing how the new pavement will be constructed to best match existing elevations of existing driveways
- Pavement markings and striping plans
- Bike lane signage
- Bicycle Lane impacts to existing drainage outside of paved areas are not included

Provide for removal of trees and shrubs in conflict with the proposed bicycle lane but not including tree mitigation.

II. Construction

Task C.1 – Construction Services

Only after the Owner’s Representative and Village acceptance of the final design documents for the specific areas and accept all required shop drawings, including the removal and/or relocation of any features or improvements located in the right-of-way, related to the Bicycle Lane Paving Work will the Company commence paving of the bicycle lanes. Paving preparation activities can commence prior to the Owner’s Representative and Village acceptance of final design documents. All construction for the Bicycle Lane Paving Work shall be completed in accordance with the DBO Agreement, as amended by Change Order No. 2, the Village-Wide Pavement Repair and Overlay Program or Paving Work.

REASON FOR CHANGE(S) IN DESIGN/BUILD WORK AND/OR CONTRACT TIME:
The request was made by Village Council to construct asphalt bicycle lanes along Royal Poinciana, Seminole Avenue, and Sunshine Boulevard. The work is to be constructed in conjunction and simultaneously with the ongoing Village-Wide Pavement Repair and Overlay Program or Paving Work. The proposed work is limited to current approved pavement overlay areas for public roads in North Plantation Key and Middle Plantation Key.

SCHEDULE:

Royal Poinciana Boulevard, Seminole Avenue, and Sunshine Boulevard
Upon execution of this Change Order No. 4, the Company shall commence the Bicycle Lane Paving Work in accordance with the existing North Plantation Key and Middle Plantation Key Pavement Overlay Program Work or Paving Work schedule. The work will be performed concurrent or simultaneous with corresponding road paving activities of the Pavement Overlay Program or Paving Work and shall be completed no later than December 31, 2013.

COST BREAKDOWN/CHANGE IN DESIGN/BUILD PRICE:
The cost breakdown associated with Changes in the Design/Build Work in connection with the addition of Bicycle Lane Paving Work in this Change Order No. 4 for Royal Poinciana Boulevard, Seminole Boulevard, and Sunshine Boulevard, including the deletion of and credit to the Village for Base Contract asphalt patching Work at Middle Plantation Key not previously credited on Change Order No. 2 for which the Village shall receive a credit or reduction in the Design/Build Price, is as follows:

<table>
<thead>
<tr>
<th>AREA</th>
<th>COST/CHANGE TO DESIGN/BUILD PRICE</th>
</tr>
</thead>
</table>
Bicycle Lane Paving Work on Royal Poinciana Boulevard (CCR No. 11) | Lump Sum Increase in Design/Build Price in the amount of $87,948.90
---|---
Bicycle Lane Paving on Seminole Avenue (CCR No. 11) | Lump Sum Increase in Design/Build Price in the amount of $112,478.53
Bicycle Lane Paving on Sunshine Boulevard (CCR No. 11) | Lump Sum Increase in Design/Build Price in the amount of $99,147.49
Credit to Delete Asphalt Patching on Remaining Middle Plantation Key Vacuum Sewer Trenches (CCR No. 11) | Lump Sum Decrease in the Design/Build Price in the amount of (- $124,220.00)
**TOTAL** | **Lump Sum Increase in Design/Build Price of $175,354.92**

Attached as Exhibit “B” is the cost breakdown for bike lane paving work for each street and the patching credit for MPK.

Upon execution of this Change Order No. 4, the Company shall incorporate the Bicycle Lane Paving Work as part of the Design/Build Work into an updated Schedule of Values in sufficient detail to allow the Village to adequately assess the amount of Bicycle Lane Paving Work completed on a monthly basis. Payment for the Bicycle Lane Paving Work will be made in accordance with Article IX of the Agreement.

**WARRANTY:**

Pursuant to Article VIII, Performance Standards, of the DBO Agreement, the Company warrants all Bicycle Lane Paving Work authorized pursuant to this Change Order No. 4 for a period of one (1) year from the Final Completion Date for the Bicycle Lane Paving Work.

**INSURANCE AND BONDS:**

All insurance and Bonds required by the DBO Agreement for the Design/Build Work during the Design/Build Period shall be in full force and effect in connection with all Bicycle Lane Paving Work authorized by this Change Order No. 4.
Mr. Thomas Brzezinski
88539 Overseas HWY, Suite 4
Islamorada, FL 30070

Ref: Islamorada, Village of Islands
Wastewater Collection and Transmission DBO Project
Middle Plantation Key Build/Operate Project
Construction Change Requisition (CCR) #011

Subject: CCR #011 Response

Mr. Brzezinski,

We have had the opportunity to review CCR #011, and are providing our pricing based upon the requested proposed scope of work. From CCR #011 dated 08/12/2013, our proposal for the request to construct a bike lane is $87,948.90 for Royal Poinciana Boulevard. An additional fee of $11,000 will apply if engineering is required, totaling $98,948.90. Price is based on Kimley-Horn’s plans attached to the CCR #011.

The proposed construction of the bike lane will include limerock base course and S-III type asphaltic concrete to match the roadway overlay pavement elevation. Necessary bike lane pavement markings and signs are included in the above price. Mitigation/tree replacement is not included in this estimate, however there will be an attempt to relocate small trees if property owner or Village desires. Vegetation will be trimmed to provide a clearance of five feet horizontal from the edge of the existing paved road and a 10 feet vertical clearance. Mailboxes and traffic signs that are within the five feet horizontal clearance will be relocated. Relocation of utilities or poles is not included.

Please find the enclosed proposal summary for your reference.

If you should have any questions, please feel free to contact us.

Sincerely,

[Signature]

Richard Crow
Construction Manager
Layne Heavy Civil

HEAVY CIVIL
81990 Overseas Hwy Suite 204, Islamorada, FL 33036 | Office: 305-414-8356 | Fax: 305-735-4341 | layne.com
CC:
Richard Holt, P.E. Design Build Manager, Layne Heavy Civil
Greg Tindle, Wastewater Manager, Village of Islamorada
Gene Hoffman, WadeTrim
File
### Project: Islamorada Design-Build

CCR: 011 Bike Path

**LAYNE | water + mineral + energy**

300 E. Broad Street | Fairburn, GA | 30213

Office: 770-969-4040 | Fax: 770-969-4363

#### RWI CCR #011 Royal Poincain Bike Path

<table>
<thead>
<tr>
<th>Description</th>
<th>Units</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install Vacuum Main &amp; Division Valves</td>
<td>LS</td>
<td>Included</td>
</tr>
<tr>
<td>Mobilization</td>
<td>LS</td>
<td>Included</td>
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<td>Maintence of Traffic</td>
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<td>Floating Turbidity Barrier</td>
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<tr>
<td>Project Manager</td>
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<td>$483.00</td>
</tr>
<tr>
<td>QA/QC Manger</td>
<td>LS</td>
<td>$1,559.40</td>
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</tbody>
</table>

**Total:** $87,948.90

*Does not include tree mitigation*

All other items not included in above estimate are included in DBO Change Order #2
Mr. Thomas Brzezinski
88539 Overseas HWY, Suite 4
Islamorada, FL 33070

Ref: Islamorada, Village of Islands
     Wastewater Collection and Transmission DBO Project
     Middle Plantation Key Build/Operate Project
     Change Order Letter

Subject: C.O. Response

Mr. Brzezinski,

We have had the opportunity to review your proposal request for Sunshine Boulevard and Seminole Boulevard, and are providing our pricing based upon the anticipated scope of work. Our proposal for the request to construct a bike lane is $84,147.49 for Sunshine Boulevard and $92,478.53 for Seminole Boulevard. An additional fee of $15,000 for Sunshine Boulevard and $20,000 for Seminole Boulevard will apply if engineering is required, totaling $99,147.49 and $112,478.53, respectively.

The proposed construction of the bike lane will include limerock base course and S-III type asphaltic concrete to match the roadway overlay pavement elevation. Necessary bike lane pavement markings and signs are included in the above price. Mitigation/tree replacement is not included in this estimate, however there will be an attempt to relocate small trees if property owner or Village desires. Vegetation will be trimmed to provide a clearance of five feet horizontal from the edge of the existing paved road and a 10 feet vertical clearance. Mailboxes and traffic signs that are within the five feet horizontal clearance will be relocated. Where specialized driveways affect the proposed bike paths they will be modified accordingly. The Kahiki Harbor sign on Sunshine Boulevard relocation is included in the Clearing and Grubbing price, location to be determined. Relocation of utilities or poles is not included.

Please find the enclosed line item proposal for your reference.

If you should have any questions, please feel free to contact us.

Sincerely,

Richard Crow
Construction Manager
Layne Heavy Civil
CC:
Richard Holt, P.E. Design Build Manager, Layne Heavy Civil
Greg Tindle, Wastewater Manager, Village of Islamorada
Gene Hoffman, WadeTrim
File
### Project: Islamorada Design-Build

#### CCR: 011 Bike Path

**Layne | Water + Mineral + Energy**

300 E. Broad Street | Fairburn, GA | 30213

Office: 770-969-4040 | Fax: 770-969-4363

#### RWI CCR #011 Sunshine Bike Path

<table>
<thead>
<tr>
<th>Description</th>
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<tr>
<td>Install Vacuum Main &amp; Division Valves</td>
<td>LS</td>
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</tr>
<tr>
<td>Mobilization</td>
<td>LS</td>
<td>Included</td>
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<tr>
<td>Maintenance of Traffic</td>
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**Total:** $84,147.49

*Does not include tree mitigation

All other items not included in above estimate are included in DBO Change Order #2
**Project: Islamorada Design-Build**

**CCR: 011 Bike Path**

LAYNE | water + mineral + energy

300 E. Broad Street | Fairburn, GA | 30213

Office: 770-969-4040 | Fax: 770-969-4363

**RWI CCR #011 Seminole Bike Path**

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<td>Clearing and Grubbing*</td>
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<td>QA/QC Manager</td>
<td>LS</td>
<td>$1,559.40</td>
</tr>
</tbody>
</table>

**Total: $92,478.53**

*Does not include tree mitigation

All other items not included in above estimate are included in DBO Change Order #2
Mr. Gene Hoffman  
88539 Overseas HWY, Suite 4  
Islamorada, FL  30070

Ref: Islamorada, Village of Islands  
Wastewater Collection and Transmission DBO Project  
Middle Plantation Key Build/Operate Project

Subject: Middle Plantation Key (MPK) Asphalt Credit Request

Mr. Hoffman,

On August 22nd, you requested that we stop asphalt patching, lime rock trench to grade and prepare patch for full overlay. Additionally, you informed us that you will be seeking a credit for the asphalt portion of work related to trench repair and restoration. We are currently dressing up these trenches and will maintain them until asphalt overlay can be applied to the road to finalize road restoration.

We have calculated the asphalt credit back to the Village in the MPK South and North project area, as referenced in our phasing plan, to a total of $124,220.

If you should have any questions, please feel free to contact us.

Sincerely,

[Signature]

Richard Crow  
Construction Manager  
Layne Heavy Civil

CC: Richard Holt, P.E. Design Build Manager, Layne Heavy Civil  
Greg Tindle, Wastewater Manager, Village of Islamorada  
Thomas Brzezinski, P.E., WadeTrim, Owner’s Representative  
File