RESOLUTION NO. 14-04-25

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND J.B. COXWELL CONTRACTING, INC. TO PROVIDE DISASTER RECOVERY SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FOURTH AMENDMENT TO THE AGREEMENT AND TO IMPLEMENT THE TERMS AND CONDITIONS THEREOF; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) has retained the services of J.B. Coxwell Contracting, Inc. (“Coxwell”) for disaster recovery services through an Agreement entered into on April 24, 2008 following Invitation to Bid No. 07-10; and

WHEREAS, the Village has prepared a Fourth Amendment to the Agreement (the “Fourth Amendment”) to provide disaster recovery services (the “services”) for an additional three (3) year term as provided for in Section 2.2 of the Agreement; and

WHEREAS, the intent of the Fourth Amendment is to have recovery services in place for an additional three (3) years in the event of a hurricane event or other disaster; and

WHEREAS, Coxwell desires to provide the services described in the Fourth Amendment to the Village; and

WHEREAS, the Village Council finds that approval of the Fourth Amendment between the Village and Coxwell attached hereto is in the best interest of the Village and its residents.

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 Village Council of Islamorada, Village of Islands hereby approves the Fourth Amendment to the Agreement between the Village and J.B. Coxwell Contracting, Inc. for disaster recovery services, 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. Execution of Agreement. The Village Manager is hereby authorized to execute the Fourth Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Fourth Amendment and to execute any extensions and/or amendments to the Fourth Amendment, subject to the approval as to form and legality by the Village Attorney.

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 Fourth Amendment.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Vice Mayor Deb Gillis, seconded by Councilman Ken Philipson.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Ted Blackburn YES
Vice Mayor Deb Gillis YES
Councilman Michael Forster YES
Councilman Ken Philipson YES
Councilman Dave Purdo YES
PASSED AND ADOPTED ON THIS 24th DAY OF April, 2014.

[Signature]
TED BLACKBURN, MAYOR

ATTEST:

[Signature]
SYNTHIA LANKFORD, VILLAGE CLERK

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

[Signature]
ROGEL V. BRYAN, VILLAGE ATTORNEY
FOURTH AMENDMENT TO AGREEMENT
FOR DISASTER RECOVERY SERVICES BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND J.B. COXWELL CONTRACTING, INC.

The Fourth Amendment to the Disaster Recovery Services Agreement between Islamorada, Village of Islands, and J.B. Coxwell Contracting, Inc. (this “Fourth Amendment”) is made and entered into as of April 29, 2014 by and between Islamorada, Village of Islands, and J.B. Coxwell Contracting, Inc., a Florida corporation (the “Contractor”).

WITNESSETH

WHEREAS, on April 28, 2008, the Village entered into a Disaster Recovery Services Agreement (collectively, as may be amended from time to time “the Agreement”) with the Contractor to provide disaster recovery services; and

WHEREAS, the parties wish to exercise the renewal provision of the Agreement; and

NOW THEREFORE, in consideration of the mutual covenants set forth in this Fourth Amendment, the receipt and sufficiency of which is hereby acknowledged, the parties hereby amend the Agreement to read as follows:

Section 1. Amendment to the Agreement. The parties hereby agree to amend and restate the Agreement by amending Section 2.4 as follows:

2.4 Renewal. The parties wish to exercise the renewal provision provided for in Section 2.2 of the Agreement. Accordingly, the Agreement is extended under the same terms and conditions for an additional three (3) year period, ending on April 28, 2014 April 28, 2017.

Section 2. No Further Modifications. All other provisions of the Agreement, other than specifically addressed herein, shall remain in full force and effect.

1 Words in strike through type are deletion; words in underlines type are additions.
IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Forth Amendment upon the terms and conditions above stated on the day and year first above written.

VILLAGE:

By: [Signature]

Maria Aguilar, Village Manager

Date: 4/25/14

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

By: [Signature]

Roget V. Bryan, Village Attorney

Date: 4/25/14

Attest:

By: [Signature]

Synthia Lankford, Village Clerk

Date: 4/25/14

J.B. COXWELL CONTRACTING, INC.

By: ____________________________

______________________, (Title) __________________

Date: ____________________________