RESOLUTION NO. 15-05-40

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING CHANGE ORDER NO. 11 TO THE DESIGN BUILD AND OPERATE (DBO) AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND REYNOLDS WATER ISLAMORADA, LLC, PROVIDING FOR REVISIONS TO THE DESIGN/BUILD WORK; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF CHANGE ORDER NO. 11; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE CHANGE ORDER NO. 11; 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, Article X "Changes in the Design/Build Work" of the DBO Agreement provides for changes, modifications, and additions to the Design/Build Work; and

WHEREAS, the Village Owners Representative Team ("ORT"), Village Staff, and Reynolds have identified various changes, modifications, and additions, including modification to the schedule and sequencing of the Design/Build Work; and

WHEREAS, Change Order No. 11 provides for inclusion of those identified changes, modifications, and additions into the Design/Build Work; and

WHEREAS, the Village Council finds that approval of Change Order No. 11 to the DBO Agreement between the Village and Reynolds, attached hereto as Exhibit "1", 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 Change Order.** The Village Council of Islamorada, Village of Islands, hereby approves Change Order No. 11 between the Village and Reynolds, 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.

Section 3. **Authorization of Village Officials.** The Village Manager and/or her designee and the Village Attorney are hereby authorized to take all actions necessary to implement the terms and conditions of Change Order No. 11.

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. 11.

Section 5. **Execution of Change Order.** The Village Manager is authorized to execute Change Order No. 11 on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of Change Order No. 11 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 6. **Effective Date.** This Resolution shall take effect immediately upon adoption.
Motion to adopt by Vice Mayor Deb Gillis, second by Mayor Mike Forster.

FINAL VOTE AT ADOPTION
Mayor Mike Forster YES
Vice Mayor Deb Gillis YES
Councilman Jim Mooney YES
Councilman Chris Sante YES
Councilman Dennis Ward YES

PASSED AND ADOPTED this 28th day of May, 2015.

MIKE FORSTER, MAYOR

ATTEST:

KELLY TOOTH, VILLAGE CLERK

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

ROGET V. BRYAN, VILLAGE ATTORNEY