

RESOLUTION NO. 22-03-27

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FIRST AMENDMENT TO AGREEMENT BETWEEN TRANSPORTATION SOLUTIONS AND LIGHTING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, FOR DESIGN AND INSTALLATION OF LIGHTING SYSTEM AT THE ARTS AND CULTURAL DISTRICT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 5, 2020, Islamorada, Village of Islands (the "Village") entered into an Agreement (the "Agreement") with Transportation Solutions & Lighting Inc. ("TSL") for design and construction of lighting system in the Morada Way Arts and Cultural district within the Village; and

WHEREAS, when the Village Council adopted Resolution No. 20-05-39, thereby approving the Agreement between the Village and TSL, the original project cost was estimated Three Hundred Eighty-One Thousand Nine Hundred and Forty-Five Dollars (\$381,945.00); and

WHEREAS, the Village has since requested that TSL incorporate outlets on twenty-nine (29) poles for future holiday lighting needs, and the additional cost for that modification would total Twenty Thousand and Three Hundred Dollars (\$20,300.00); and

WHEREAS, TSL also has recently advised that the cost of concrete, labor, and other materials to install the poles and fixtures has increased by Seventy-nine Thousand Five Hundred Ten and no/100 Dollars (\$79,510.00); and

WHEREAS, the Village Council recognizes that the total cost of the project has increased to Four Hundred and Eighty-One Thousand Seven Hundred and Fifty-Five Dollars \$481,755.00 and

desires to enter into the First Amendment to the Agreement (the "First Amendment") for a change order totaling Ninety-nine Thousand Eight Hundred Ten and no/100 Dollars (\$99,810.00); and

WHEREAS, the Village Council finds that approval of the First Amendment to complete the project 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 Amendment. The Village Council hereby approves the First Amendment between TSL and the Village, a copy of which is attached 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 his/her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Amendment.

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 and present a budget amendment for Council approval as applicable to implement the terms and conditions of the Authorization.

Section 5. Execution of Documents. The Village Manager is authorized to execute the First Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the First Amendment and to execute any

extensions and/or amendments to the First Amendment, 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 David Webb and seconded by Mayor Pete Bacheler.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Pete Bacheler	YES
Vice Mayor Henry Rosenthal	YES
Councilman Mark Gregg	YES
Councilman Buddy Pinder	YES
Councilman David Webb	YES

PASSED AND ADOPTED THIS 31st DAY OF MARCH, 2022.



PETE BACHELER, MAYOR

ATTEST:



STEPHANIE CONDE, ACTING VILLAGE CLERK

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



ROGET V. BRYAN, VILLAGE ATTORNEY

**FIRST AMENDMENT TO AGREEMENT
BETWEEN
ISLAMORADA, VILLAGE OF ISLANDS
AND
TRANSPORTATION SOLUTIONS & LIGHTING, INC.**

THIS FIRST AMENDMENT to the Agreement (the "First Amendment") is made between **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the "Village") and **TRANSPORTATION SOLUTIONS & LIGHTING, INC.**, a Florida corporation ("CONTRACTOR").

This First Amendment restates and duplicates the Agreement in all respects other than as reflected in strike-through/add format below reflecting the changes made by this First Amendment. Other than as set forth in strike-through/add format herein, the terms of the Agreement remain the same as set forth previously and in full force and effect as originally written. This First Amendment amends the Contract Sum and constitutes and is deemed a "Change Order," as defined and required in the Agreement.

WHEREAS, CONTRACTOR and the Village entered into a certain Agreement (the "Agreement") effective June 5, 2020, attached hereto as Exhibit "B"; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this First Amendment, CONTRACTOR and the Village agree as follows.

Section 1. Amendment to Agreement. The Agreement is amended to read as follows:

ARTICLE 4
CONTRACT SUM

4.1. The VILLAGE hereby agrees to pay CONTRACTOR for the faithful performance of this Agreement for work completed in accordance with the Proposal attached hereto as Exhibit "A," and as directed by VILLAGE. Prices for work completed by the CONTRACTOR shall be as reflected in CONTRACTOR'S Proposal attached hereto and made a part hereof as Exhibit "A." Except with respect to changes to the scope of the Project as agreed by the parties and set forth in Exhibit as amended from time to time, the total contract price hereto is referred to as Contract Sum and shall not exceed ~~Three Hundred Eight One Thousand Nine Hundred Forty Five~~ **Four Hundred Eighty-one Thousand Seven Hundred Fifty-five** and no/100 Dollars ~~(\$381,945.00)~~ **(\$481,755.00)**.

Section 2. No Further Modifications. All other terms and conditions of the existing Agreement not in conflict or superseded by this First Amendment shall remain in full force and effect as if set for the herein.

Section 3. Effective Date. This First Amendment shall be effective March 10, 2022.

IN WITNESS WHEREOF, the parties execute this First Amendment on the respective dates under each signature: The Village, signing by and through its Village Manager, attested to by its Village Clerk, and by CONTRACTOR by and through its principal.

Attest:

ISLAMORADA, VILLAGE OF ISLANDS

Stephanie Conde
Stephanie Conde, Acting Village Clerk

By: Maria T. Bassett
Maria T. Bassett, Acting Village Manager/
Finance Director

Date: 4/4/2022

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

[Signature]
Roger V. Bryan, Village Attorney

**TRANSPORTATION SOLUTIONS &
LIGHTING, INC.**

By: [Signature]
Bradford Berner, Vice President

4/5/22
Date

[Signature]
Witness

[Signature]
Witness

EXHIBIT A

TRANSPORTATION SOLUTIONS & LIGHTING



Estimate

EST-004734

Transportation Solutions & Lighting, Inc.

980 North Federal Highway
Suite 110
Boca Raton, Florida 33432

Bill To

Village of Islamorada

86800 Overseas Hwy
Islamorada Florida 33036

Ship To

Village of Islamorada
86800 Overseas Hwy
Islamorada Florida 33036

Estimate Date : 28 Jan 2022

#	Item & Description	Qty	Rate	Amount
1	Change Order SKU : TSLCHOR Addition of pulling wires and installation of water resistant GFCI outlet with bubble covers near the top of each pole. Also, includes price of material increase since 2/28/2020. Material increases on wire, pipe, metal, concrete, fuel, and equipment have more than doubled in the past 23 months. Breakout of cost: Additional 29 GFI outlets - \$23200 Concrete , steel, fittings, concrete truck delivery and heavy equipment - \$47000 Electrical materials - \$22500 Fuel and lodging - \$7110	1.00	99,810.00	99,810.00
Sub Total				99,810.00
Total				\$99,810.00