

RESOLUTION NO. 25-11-121

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, APPROVING A PAYMENT TO
CDWRE FOR THE GENERATOR STORAGE BUILDING PROJECT
SUBJECT TO EXECUTION AND DELIVERY A RELEASE FROM
CDWRE; AUTHORIZING THE VILLAGE MANAGER TO EXPEND
BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on August 9, 2024, the Village issued Request for Proposals ("RFP") 24-15 to solicit proposals from qualified contractors to construct the Generator Storage Buildings (the "Project"); and

WHEREAS, one (1) proposal was received in response to RFP 24-15 by the bid submittal deadline and an Evaluation Committee (the "Committee") was established to review the responsive proposal and make a recommendation to the Village Council; and

WHEREAS, the Committee reviewed the one (1) proposal for qualifications and responsiveness to the criteria detailed in RFP 24-15 and recommends approval of CDWRE Construction LLC ("CDWRE") for the Project; and

WHEREAS, on October 8, 2024, the Village Council approved Resolution No. 24-10-118, awarding CDWRE the Generator Storage Building project for an amount not to exceed One Million Seven Hundred Nineteen Thousand One Hundred and Sixty-Two and 00/100 Dollars (\$1,719,162.00) and to complete the Project by the June 30, 2025, grant funding deadline and executed an agreement regarding same ("Agreement"); and

WHEREAS, during the course of the project, certain necessary adjustments to the steel fabrication, concrete work, project management and doors costs and installation were identified; and

WHEREAS, CDWRE has demanded an additional \$258,000.00 to continue the work

under the Agreement; and

WHEREAS, the Village denies entitlement to virtually all of that additional money, however, it also recognizes the need to avoid delays and the additional expense that would be required should the Village pursue legal remedies against CDWRE while also hiring a new contractor to complete the remaining work under the Agreement; and

WHEREAS, Village staff has negotiated this additional demand down to Two Hundred Fifty-Eight and 00/100 Dollars (\$258,000) should CDWRE execute a release of any and all claims to date, and subject to Village Council approval; and

WHEREAS, the Village Council recognizes these issues and deems it prudent to authorize payment of these additional funds in exchange for an executed release from CDWRE; and

WHEREAS, the Village Council finds that this decision 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 Payment in Exchange for Release.** The Village Council hereby approves the payment of Two Hundred Fifty-Eight and 00/100 Dollars (\$258,000) to CDWRE. Prior to payment of these funds, CDWRE shall execute and deliver a release to the Village of any and all claims to date. In addition, payment is subject to completion of the

Project by December 31, 2025. If the Project is not completed by December 31, 2025,

Contractor shall be responsible for liquidated damages as set forth in the Agreement.

Section 3. **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 to present budget amendments to the Village Council as necessary and appropriate.

Section 4. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

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Motion to adopt by Anna Richards, second by Deb Gillis.

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

Mayor Sharon Mahoney	Yes
Vice Mayor Don Horton	Yes
Councilmember Steve Friedman	Yes
Councilmember Deb Gillis	Yes
Councilmember Anna Richards	Yes

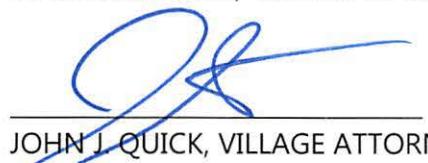
PASSED AND ADOPTED ON THIS 10th DAY OF NOVEMBER, 2025.


SHARON MAHONEY, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN J. QUICK, VILLAGE ATTORNEY

