

RESOLUTION NUMBER 2021-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING CHANGE ORDER NO. 10 TO CONTRACT ITB-17-24-PW BETWEEN THE TOWN OF FORT MYERS BEACH AND MITCHELL & STARK CONSTRUCTION CO.; DECREASING THE CONTRACT AMOUNT BY \$674,992.72; EXTENDING THE FINAL COMPLETION DATE TO FEBRUARY 16TH, 2021; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town entered into Contract ITB-17-24-PW ("Contract") with Mitchell & Stark Construction Co., ("Contractor") in July of 2017 for construction of water and stormwater improvements; and,

WHEREAS, Change Order No. 10 to the Contract decreases the contracted amount by \$674,992.72 and extends the date of final completion date to February 16th, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH, AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Change Order No. 10 to the Contract between the Town and the Contractor attached hereto as "Exhibit A" is hereby approved.

Section 3. The Town Manager is authorized to execute the Change Order and expend budgeted funds on behalf of the Town.

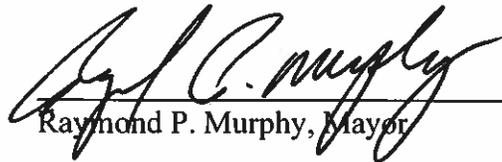
Section 4. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Veach and seconded by Council Member Allers, and upon being put to a vote, the result was as follows:

Raymond P. Murphy, Mayor	Aye
Rexann Hosafros, Vice Mayor	Aye
Dan Allers, Councilmember	Aye
Bill Veach, Councilmember	Aye
Jim Atterholt, Councilmember	Aye

ADOPTED this 16th day of February 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



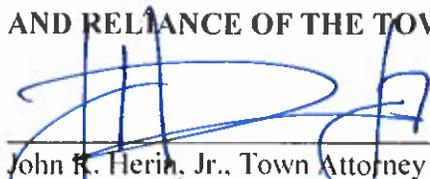
Raymond P. Murphy, Mayor

ATTEST:



Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**



John K. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 18 day February 2021.

ITB-17-24-PW
 WATER AND STORM WATER SYSTEM IMPROVEMENTS

PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

No.: 10

(A Change Order requires approval by the Finance Director and Town Manager for expenditures under \$25,000, approval by the Town Council for expenditures over \$25,000).

CONTRACT/PROJECT NAME: Town of Fort Myers Beach, Estero Blvd Side Streets Joint Outfall Water Main and Storm Improvements

CONTRACTOR: Mitchell & Stark Construction Company, Inc. **PROJECT NO.:** ITB-17-24-PW

CONTRACT NO.: ITB-17-24-PW **BID NO.:** ITB-17-24-PW

CHANGE REQUESTED BY: Christy Cory **DATE OF REQUEST:** 1/28/2021

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:
 (If you need space other than what has been provided, please attach additional sheets.)

Description: Reconciliation of installed quantities for Work Completed relating to Change Order #7 only and extension of the contract time.

Purpose of Change Order: To reconcile quantities for Work Completed relating to Change Order #7 only and to extend the contract time.

Attachments: (List documents supporting change) Change Order #10 Reconciliation Worksheet

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price \$ <u>3,184,760.38</u>	Original Contract Time <u>244</u> Calendar Days
Previous Change Order No. <u>1</u> to No. <u>8</u> \$ <u>11,846,343.01</u>	Net Change from previous Change Orders <u>894</u> Calendar Days
Contract Price prior to this Change Order \$ <u>15,131,123.39</u>	Contract Time prior to this Change Order <u>1138</u> Calendar Days
Net Increase (Decrease) of this Change Order \$ <u>(874,992.72)</u>	Net Increase (Decrease) of this Change Order <u>144</u> Calendar Days
Contract Price will all approved Change Orders \$ <u>14,456,130.67</u>	Contract Time with all approved Change Orders <u>1282</u> Calendar Days

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED:
 By: [Signature] 2/4/21
 Consultant (if applicable) Date
 By: _____
 Department Director Date
 Contracts Management
 APPROVED:
 Town Attorney _____ Date

ACCEPTED
 By: [Signature]
 Contractor
 Date Accepted: 2/4/21

(CORPORATE SEAL)

TOWN APPROVAL:
 By: _____
 Finance Director (Under \$25,000)
 Date Approved: _____
 By: _____
 Town Manager (Under \$25,000)
 Date Approved: _____
 By: _____
 Mayor, Town Council
 (Over \$25,000)
 Date Approved: _____

