

**RESOLUTION NUMBER 23-92**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING CHANGE ORDER #2 TO CONTRACT ITB-23-08-CD BETWEEN THE TOWN AND GRUBBS EMERGENCY SERVICES FOR INCREASING CONTRACT TIME 109 DAYS AND INCREASING CONTRACT PRICE \$169,813.**

**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 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**, Post bid, the contractor was required to implement shorebird protection measures and adhere to special permit conditions for habitat and species protection above and beyond what would have been normally expected at the time of bidding. Further, due to heightened level of nesting outside of historic areas, the contractor must demobilize and remobilize to complete work after shorebird nesting season concludes.

**WHEREAS**, the Town Council has determined it is in the best interest of the Town to approve the requested (Agreement/Change Order/etc.).

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby approves Change Order #2 to Contract ITB- 23-08-CD between the Town and Grubbs Emergency Services, for increasing the contract time 109 days and increasing the contract price \$169,813. A copy of Change Order #2 is attached hereto as Attachment "A".

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

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Councilmember	Aye
Bill Veach, Councilmember	Aye
Karen Woodson, Councilmember	Aye

ADOPTED this 21<sup>st</sup> day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

**Dan Allers**

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Dan Allers, Mayor

**ATTEST:**

**Amy Baker**

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Amy Baker, Town Clerk

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

**Gretchen R. H. "Becky" Vose**

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Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 22<sup>nd</sup> day August 2023.

**Signature:** *Dan Allers*  
Dan Allers (Aug 22, 2023 14:07 EDT)  
**Email:** allersd@fmbgov.com

**Signature:** *Becky Vose*  
Becky Vose (Aug 22, 2023 11:03 EDT)  
**Email:** bvose@voselaw.com

**Signature:** *Amy Baker*  
AMY BAKER (Aug 22, 2023 10:57 EDT)  
**Email:** AMY@FMBGOV.COM