

RESOLUTION NUMBER 23-151

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A CHANGE ORDER BETWEEN THE TOWN AND GRUBBS EMERGENCY SERVICES FOR INCREASING CONTRACT TIME 60 DAYS AND INCREASING CONTRACT PRICE \$1,250,392.00.

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, an additional 14,660 cubic yards of sand is needed to complete the emergency berm as approved by FEMA; and

WHEREAS, the Town has requested \$1,303,070.00 from FEMA to complete the emergency berm project; and

WHEREAS, the Town Council has determined it is in the best interest of the Town to approve the requested Change Order.

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 #3 between the Town and Grubbs Emergency Services, for \$1,250,392.00. A copy of the change order is attached hereto as Attachment "A".

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

Dan Aller, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Bill Veach, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 6th day of November 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers
Dan Allers (Nov 7, 2023 15:38 EST)

Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Nov 7, 2023 09:57 EST)

Amy Baker, Town Clerk

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

Becky Vose
Becky Vose (Nov 6, 2023 23:00 EST)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 6th day of November 2023.



TOWN of FORT MYERS BEACH

BID NO. ITB-23-08-CD

PART E

FMB:011 - CONSTRUCTION CONTRACT CHANGE ORDER

No.: 3

(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: Estero Island Emergency Berm
CONTRACTOR: Grubbs Emergency Services LLC PROJECT NO.: 22.502
CONTRACT NO.: ITB-23-08-CD BID NO.: ITB-23-08-CD
CHANGE REQUESTED BY: Grubbs Emergency Services LLC DATE OF REQUEST: 10/27/2023

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: Post bid, contractor experienced additional work in order to implement shorebird protection measures and adhere to special permit conditions for habitat and species protection. Due to heightened level of nesting outside of historic areas, contractor has to demobilize and remobilize to complete work after nesting season concludes.

Purpose of Change Order: Adding time and budget to complete emergency berm segments

Attachments: (List documents supporting change)

CHANGE IN CONTRACT PRICE:
Original Contract Price \$7,559,860
Previous Change Order No. N/A to No. N/A \$169,813
Contract Price prior to this Change Order \$7,729,673
Net Increase (Decrease) of this Change Order \$1,250,392
Contract Price will all approved Change Orders \$8,980,065

CHANGE IN CONTRACT TIME:
Original Contract Time 91 Calendar Days
Net Change from previous Change Orders 117 Calendar Days
Contract Time prior to this Change Order 208 Calendar Days
Net Increase (Decrease) of this Change Order 60 Calendar Days
Contract Time with all approved Change Orders 268 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: Consultant (if applicable) Date
By: Frank Kropacab Nov 7, 2023
Department Director Date
Contracts Management
APPROVED: Becky Vose Nov 6, 2023
Town Attorney Date

ACCEPTED
By: Contractor
Date Accepted: 11/02/2023

(CORPORATE SEAL)

TOWN APPROVAL:
By: Joe Ondak (Nov 7, 2023 11:03 EST)
Finance Director (Under \$25,000)
Date Approved: Nov 7, 2023
By: Andy Hyatt (Nov 7, 2023 10:04 EST)
Town Manager (Under \$25,000)
Date Approved: Nov 7, 2023
By: Dan Allers (Nov 6, 2023 15:38 EST)
Mayor, Town Council
(Over \$25,000)
Date Approved: Nov 6, 2023