

RESOLUTION NUMBER 25-29

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDER #1 OF CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC ADDING 24 DAYS OF CONTRACT TIME TO CONSTRUCT THE ESTERO ISLAND BEACH RENOURISHMENT AND HURRICANE RECOVERY PROJECT; AND PROVIDING FOR 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 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 of Fort Myers Beach recognizes the beach as a vital economic and environmental asset for the Town residents and businesses, and

WHEREAS, the Town of Fort Myers Beach recognizes the importance of the beach providing recreational space, native habitat for listed species, and storm impact reduction benefit to upland properties, and

WHEREAS, the Town of Fort Myers Beach is responsible for beach management, restoration and maintenance of the beach in its jurisdiction, and

WHEREAS, the Town Council approved Contract ITB-24-03-EN with Ahtna Marine & Construction Company, LLC for \$22,722,385.09 to be completed in 180 days; and

WHEREAS, Hurricanes Helene and Milton caused significant impacts to the Town of Fort Myers Beach and delayed progress on construction; and

WHEREAS, it is in the best interest of the Town to approve the requested Change Order #1 of Contract ITB-24-03-EN to complete the Estero Island Beach Renourishment and Hurricane Recovery Project.

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 #1 of Contract ITB-24-03-EN between the Town of Fort Myers Beach and Ahtna Marine & Construction Company LLC, adding 24 days to original contract time of 180 days, resulting in a total contract time of 204 days. A copy of the Change Order #1 of Contract ITB-24-03-EN is attached hereto as Attachment "A".

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

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 8th day of January 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers
Dan Allers (Jan 14, 2025 11:56 EST)

Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Jan 14, 2025 16:31 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:**

Nancy Stuparich
Nancy Stuparich (Jan 14, 2025 23:03 EST)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 13th day of January, 2025.



TOWN of FORT MYERS BEACH

BID NO. ITB-24-03-EN

PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

No.: 1

(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 Beach Nourishment and Hurricane Recovery Project
 CONTRACTOR: Ahtna Marine & Construction Company, LLC PROJECT NO.: _____
 CONTRACT NO.: ITB-24-03-EN BID NO.: ITB-24-03-EN
 CHANGE REQUESTED BY: Ahtna Marine & Construction Co. DATE OF REQUEST: 10/30/2024

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: Weather Delays
 Purpose of Change Order: Add time to original contract to address Hurricanes Debby, Helene, and Milton
 Attachments: (List documents supporting change) Ahtna Request for Time (10-30-24)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price <u>\$21,722,385.09</u>	Original Contract Time <u>180</u> Calendar Days
Previous Change Order No. N/A to No. <u>N/A</u> <u>\$0</u>	Net Change from previous Change Orders <u>0</u> Calendar Days
Contract Price prior to this Change Order <u>\$21,722,385.09</u>	Contract Time prior to this Change Order <u>180</u> Calendar Days
Net Increase (Decrease) of this Change Order <u>\$0.00</u>	Net Increase (Decrease) of this Change Order <u>24</u> Calendar Days
Contract Price will all approved Change Orders <u>\$21,722,385.09</u>	Contract Time with all approved Change Orders <u>204</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: _____ Date _____
 Consultant (if applicable)
 By: Frankie Kropacek
 Department Director Date _____
 Frankie Kropacek
 Contracts Management
 APPROVED:
 Town Attorney Date _____

ACCEPTED
 By: Wesley Gammons
 Contractor
 Date Accepted: 12/02/24

 (CORPORATE SEAL)
Wesley Gammons

TOWN APPROVAL:
 By: Joe Onzick
Joe Onzick (Jan 14, 2025 11:19 EST)
 Finance Director (Under \$25,000)
 Joe Onzick
 Date Approved: _____
 By: Andrew Hyatt
Andrew Hyatt (Jan 14, 2025 09:14 EST)
 Town Manager (Under \$25,000)
 Andrew Hyatt
 Date Approved: _____
 By: _____
 Mayor, Town Council
 (Over \$25,000)
 Date Approved: _____