

RESOLUTION NO. 21-06-09

RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING RESOLUTION 19-11-05 FOR THE TO PROVIDE FOR INCREASED AUTHORITY OF THE GENERAL MANAGER TO APPROVE CHANGES IN CONTRACT PRICE UNDER THE CONSTRUCTION CONTRACT WITH WHARTON-SMITH, INC., AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the Key Largo Wastewater Treatment District has designated and authorize certain Officials to sign bank checks, bank drafts, and other obligations and instruments on behalf of the Key Largo Wastewater Treatment District; and

WHEREAS, the Board of Commissioners of the Key Largo Wastewater Treatment District desires to increase the authority of the General Manager to approve changes under the construction contract between the District and Wharton-Smith, Inc. which result in changes in Contract Price;

NOW, THEREFORE, BE IT RESOLVED BY THE KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF KEY LARGO, FLORIDA, THAT:

Section 1. The General Manager may approve changes under the construction contract between the District and Wharton-Smith, Inc. which result in changes in Contract Price, without prior approval by the District Board, as follows:

- a. The General Manager may approve changes in the construction contract which result in reductions in Contract Price regardless of amount.
- b. The General Manager may approve changes in the construction contract which results in an increase in Contract Price, up to a limit of \$200,000 per change, provided the changes are approved in writing by the District Engineer.
- c. The General Manager may not artificially divide or aggregate changes to items of work so as to circumvent the intent of the Board that each change shall address a discrete item of work under the contract as shown in the approved schedule of values or approved CPM schedule.

d. The General Manager shall report all changes in the construction contract made under the authority granted by this resolution and update the report at each regularly scheduled meeting of the Board.

Section 2. Except as expressly amended herein, the resolution referenced above is hereby reaffirmed and ratified in its entirety.

Section 3. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this 2nd day of June, 2009.

The foregoing RESOLUTION NO. 21-06-09 was offered by Commissioner

Majeska, who moved its approval. The motion was seconded by

Commissioner HAMMAKER, and being put to a vote the result was as follows:

	AYE	NAY
Chairman Susan Ford Hammaker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Charles Brooks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commissioner Norman Higgins	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Robby Majeska	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Andrew Tobin	<input type="checkbox"/>	<input type="checkbox"/>

ABSENT

The Chairman thereupon declared Resolution No. 21-06-09 duly passed and adopted the 2nd day of June, 2009.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: [Signature]
Chairwoman Hammaker

ATTEST:
[Signature]

Carol Walker, District Clerk

Approved to as to form and legal sufficiency
[Signature]

District Counsel, Thomas M. Dillon

SEAL