

RESOLUTION NO. 10-1975

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST CONSTRUCTION, INC. CHANGE ORDER NO. 1 TO INCLUDE A CHANGE IN THE SCHEDULED COMPLETION OF WORK WITH NO CHANGE IN THE GUARANTEED MAXIMUM PRICE FOR THE COMMUNITY CENTER PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 15, 2009, by Resolution 09-1913, the Town Commission ratified the selection of West Construction, Inc. ("West") as the lowest most responsive bidder as the General Contractor for the Community Center; and

WHEREAS, West Change Order No. 1 dated October 20, 2010 requests an additional sixty-three (63) days to achieve Substantial Completion of the Community Center project. (See Exhibit "A"); and

WHEREAS, West Change Order No. 1 dated October 20, 2010 acknowledges and agrees that the Guaranteed Maximum Price of \$4,074,525.00 under the Construction Agreement between West and the Town of Surfside will be unchanged by this Change Order No. 1; and

WHEREAS, the Town Commission has decided it is in the best interest of the Town to accept the Change Order No. 1 and authorizes the Town Manager to accept West's Change Order No. 1.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. **Approval.** The Town Commission approves the West Change Order No. 1

dated October 20, 2010 attached hereto as Exhibit "A" between the Town of Surfside and West Construction, Inc.

Section 3. Authorization. The Town Commission authorizes the Town Manager to execute and do whatever is necessary to effectuate the terms of West Change Order No. 1 dated October 20, 2010.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 9 day of November, 2010

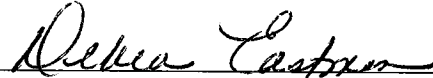
Motion by Commissioner Karukin, second by Commissioner Graubart
FINAL VOTE ON ADOPTION

Commissioner Michael Karukin
Commissioner Edward Kopelman
Commissioner Marta Olchyk
Vice Mayor Joseph Graubart
Mayor Daniel Dietch

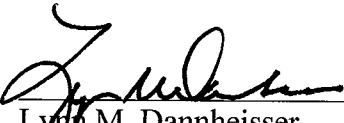
Yes
Absent
no
yes
yes


Daniel Dietch, Mayor

ATTEST:


Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:


Lynn M. Dannheisser
Town Attorney

CHANGE ORDER NO. 1

TO: Town of Surfside

PROJECT: Town of Surfside Community Center Project No. CC5355

CONTRACTOR: WEST CONSTRUCTION, INC.

DATE: October 20, 2010

This Change Order will authorize the following change to the Agreement:

The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Guaranteed Maximum Price of \$4,074,525.00 under the Agreement will be unchanged by this Change Order, and (b) the schedule for performance of Work will be changed by this Change Order. Contractor expressly waives any claims for any additional compensation, damages or time extensions in connection with the above-referenced changes. Except as herein or heretofore expressly modified, all terms of the Agreement shall remain in full force and effect and shall cover the performance of, and payment for, any work authorized hereunder. Any defined terms not defined in this Change Order shall have the meanings set forth in the Agreement.

By signing below the parties indicate acceptance of this Change Order as set forth herein.

WEST CONSTRUCTION, INC.,
a Florida corporation

TOWN OF SURFSIDE,
a Florida municipal corporation

By: _____
Name: _____
Title: _____

By: _____
Town Manager

Exhibit "A"

This Change Order No. 1, dated October 20, 2010, changes the Contract Times only by the addition of sixty three (63) calendar days to the time to achieve Substantial Completion, which means that the Substantial Completion Date shall not be more than three hundred sixty three (363) calendar days from the commencement date. The Final Completion duration is not affected by this Change Order No. 1 with Final Completion to occur within forty-five (45) calendar days following Substantial Completion. With this Change Order No. 1 the revised project schedule dates become:

NTP Date	April 7, 2010*
Substantial Completion Date	April 5, 2011**
Final Completion Date	May 20, 2011

*NTP was later revised on June 28, 2010 and July 16, 2010 to include additional phases of work. These revisions did not affect the contract time or duration.

**Per the attached letter West Construction, Inc. agrees to increase man power to ensure the Town's goal of obtaining the Temporary Certificate of Occupancy is received by April 5, 2011.