

RESOLUTION NO. 09-759

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING CHANGE ORDER NO. 5 TO THE AGREEMENT FOR THE CONSTRUCTION OF STREET SIGNS WITHIN THE TOWN BETWEEN PIOS & SONS, INC. AND THE TOWN OF MIAMI LAKES; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CHANGE ORDER; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 20, 2004, the Town Council, via Resolution No. 2004-240 entered into a three (3) year agreement with Pios and Sons, Inc. ("Pios") for the construction of the Town's street signs in the following neighborhoods: Loch Lomond, Lake Martha, Lake Sarah and portions of Royal Oaks (the "Agreement"); and

WHEREAS, the Agreement, in short, provides for the construction and installation of signage and decorative posts and other street signage upgrades; and

WHEREAS, on November 8, 2005, the Town Council, via Resolution No. 05-348, approved Change Order No. 1 to the Agreement to fund the continuation of the street sign upgrades throughout additional neighborhoods within the Town for the same unit price for the second year of the Agreement; and

WHEREAS, the Agreement provides that any changes to the contract time be executed by a written Change Order; and

WHEREAS, pursuant to the authority delegated in the Agreement, the Town Manager extended the Agreement for an additional two (2) years and the Town Council desires to authorize the Town Manager to execute subsequent change orders to complete the Town signage project; and

WHEREAS, the Town Council finds that approval of Change Order No. 5 to the Agreement between Pios and the Town for an additional thirty (30) days of Contract Time for the construction and installation of additional street signs is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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

Section 2. Approval of Change Order. Change Order No. 5 between Pios and the Town for an additional thirty (30) days of Contract Time a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

Section 3. Authorization of Town Officials. The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Change Order.

Section 4. Execution of Change Order. The Town Manager is authorized to execute the Change Order on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Change Order and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

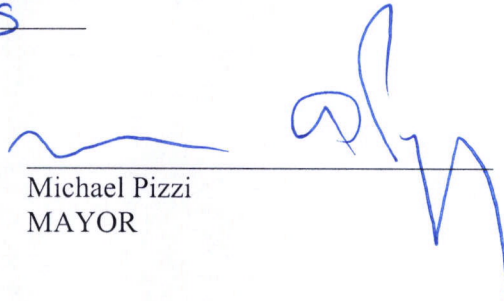
Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 8th day of September, 2009.

Motion to adopt by Councilmember Collins, second by Councilmember Lopez

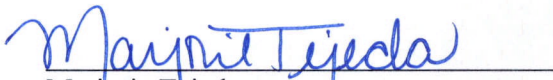
FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	<u>YES</u>
Vice Mayor Richard Pulido	<u>YES</u>
Councilmember Mary Collins	<u>YES</u>
Councilmember Robert Meador II	<u>YES</u>
Councilmember Nick Perdomo	<u>YES</u>
Councilmember Nancy Simon	<u>YES</u>
Councilmember George Lopez	<u>YES</u>




Michael Pizzi
MAYOR

ATTEST:



Marjorie Tejada
ACTING TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.L.
TOWN ATTORNEY

Exhibit "A"

CHANGE ORDER
NO. 5

Company: Pios and Sons, Inc.
320 Atlantic Avenue
Sunny Isles, FL 33160

Project: Street Sign Upgrades

Date Issued: September 8, 2009

In accordance with Standard General Conditions of the Contract, Article 10, Section 10.3 "Execution of Change Orders" requires Owner and Contractor to execute appropriate change orders for changes in the Work, Contract Price or Contract Times. This Change Order will authorize the following changes to the Contract:

ARTICLE 3. CONTRACT TIME.

The Contract shall be effective upon execution by both parties and shall continue ~~for a~~ term of three (3) years until October 8, 2009.

Except as herein or heretofore expressly modified, all the terms of the Contract 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 Contract.

Pios and Sons, Inc.

Frank C. Bocanegra,
Town Manager

By: _____

Name: _____

Title: _____

Date

Date