

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-109**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE CONTRACT WITH SWEETWATER ENVIRONMENTAL, INC. FOR DEWATERING OPERATIONS AND MAINTENANCE SERVICES; AUTHORIZING AN EXTENSION OF THE TERM OF THE CONTRACT TO MARCH 31, 2016; INCREASING THE CONTRACT AMOUNT FROM \$1,273,105 TO \$1,450,105; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 26, 2011, the City entered into a Contract (the "Contract") with Sweetwater Environmental, Inc. ("Sweetwater"), whereby Sweetwater would provide Dewatering Operations and Maintenance Services to the City (the "Contract"); and

WHEREAS, on August 26, 2014, Resolution 2014-99 extended the Contract term to September 30, 2015 and increased the contract amount from \$920,625 to \$1,273,105; and

WHEREAS, the City and Sweetwater desire to amend the Contract as set forth herein to increase the total contract amount from \$1,273,105 to \$1,405,105, and to extend the term of the Contract through March 31, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Amendment to the Contract attached as Exhibit "A" is hereby approved together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney is approved. The City Manager is authorized to execute the Third Amendment on behalf of the City and expend budgeted funds for the services set forth in the Contract.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 22nd day of September, 2015.

THE CITY OF MARATHON, FLORIDA



Vice Mayor Senmartin

AYES: Keating, Zieg, Senmartin
NOES: None
ABSENT: Kelly, Bull
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



David Migut, City Attorney

**THIRD AMENDMENT
TO CONTRACT BETWEEN THE CITY OF MARATHON, FLORIDA
AND SWEETWATER ENVIRONMENTAL, INC.**

This Amendment to the Contract for Dewatering Operations And Maintenance Services between the City of Marathon, Florida, a municipal corporation of the State of Florida ("City") and Sweetwater Environmental, Inc. ("Sweetwater" or "Contractor"), a Florida corporation, ("Amendment").

WHEREAS, pursuant to Resolution 2011-61, the City and Sweetwater entered into a contract for Dewatering Operations And Maintenance Services ("Contract").

WHEREAS, on August 26, 2014, Resolution 2014-99 extended the Contract term to September 30, 2016 and increased the contract amount from \$920,625 to \$1,237,105; and

WHEREAS, the City and Sweetwater desire to amend the Contract as set forth herein to increase by \$177,000, the total contract amount from \$1,273,105 to \$1,450,105, and to extend the term of the Contract through March 31, 2015.

NOW THEREFORE, in consideration of the mutual covenants set forth in this Amendment, the parties agree as follows:¹

Section 1. **Amendment to Section 3 of the Contract to add subsection (e).** The parties hereby amend Section 3 of the Contract to add subsection (e) to read as follows:

3. Compensation/Payment

(e) The total amount invoiced shall not exceed \$1,450,105. This invoiced amount shall reflect services for the four and a half ~~three~~ (4 1/2 ~~43~~) year period ending March 31, 2016. ~~2015. 2014.~~

Section 2. **Amendment to Section 5 of the Contract.** The parties hereby amend Section 5 of the Contract as follows:

(5) **Term.** This Contract shall be effective upon execution by both parties. This Contract shall remain in effect until March 31, 2016 unless terminated earlier in accordance with this Contract.


¹ / Additions to existing text are shown by underline, and deletions are shown as ~~strikethrough~~.
\\Sweetwatert_Amendment.doc


EXCEPT AS PROVIDED HEREIN, all other terms and conditions of the Contract dated July 26, 2011, remain in force and effect.

DATED this 22th day of September, 2015. **WITNESSES:**
ENVIRONMENTAL, INC.

SWEETWATER


Print Name: Mark Beahm

By: 
Print Name: Mike Kann
Title: President


Print Name: Libby Frazier

THE CITY OF MARATHON, FLORIDA


Michael Puto, City Manager

ATTEST:


Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**


City Attorney