

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA
RESOLUTION 2016-58**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN AMENDMENT TO THE CONTRACT FOR BEACH RAKING SERVICES BETWEEN THE CITY AND W.D. THOMPSON, INC., D/B/A BEACH RAKER, TO EXTEND SAME FOR A ONE-YEAR PERIOD; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXTENSION AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Resolution 2013-47, the City and W.D. Thompson, Inc., d/b/a Beach Raker (“Beach Raker”) entered into a contract for beach cleaning service for CocoPlum and Sombrero Beach parks, with four one year renewal options to coincide with the Florida Department of Environmental Protection five (5) year beach cleaning permit (the “Contract”); and

WHEREAS, it is in the best interest of the City to amend the Contract to provide for an extension of one (1) year, to and through September 31, 2017.

WHEREAS, the City and Beach Raker desire to amend the Contract.

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. An amendment to the Contract between the City and Beach Raker, attached hereto as Exhibit “A,” 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 hereby approved. The City Manager is authorized to sign the amendment and expend budgeted funds on behalf of the City.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9th DAY OF AUGUST, 2016.

THE CITY OF MARATHON, FLORIDA



Mark Senmartin, Mayor

AYES: Bartus, Coldiron, Kelly, Zieg, Senmartin
NOES: None
ABSENT: None
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

**AMENDMENT TO CONTRACT
BETWEEN THE CITY OF MARATHON, FLORIDA
AND W.D. THOMPSON, INC., D/B/A BEACH RAKER
FOR BEACH RAKING SERVICES**

This Amendment to the Contract for beach raking services ("Amendment") made and entered into this 16 day of Aug., 2016, between the City of Marathon, Florida, a municipal corporation of the State of Florida ("City") and W.D. Thompson, Inc., d/b/a/ Beach Raker ("Beach Raker").

WHEREAS, pursuant to Resolution 2013-47, the City and W.D. Thompson, Inc., d/b/a/ Beach Raker ("Beach Raker") entered into a contract for beach cleaning service for CocoPlum and Sombrero Beach parks, with four one year renewal options to coincide with the Florida Department of Environmental Protection five (5) year beach cleaning permit (the "Contract"); and

WHEREAS, the City and Beach Raker desire to amend the Contract as set forth herein.

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

Section 1. Amendment to Section 1.3 of the Contract. The parties hereby amend Section 1.3 of the Contract as follows:

1.3 TERM- This Agreement shall be effective October 1, ~~2013~~ 2016 and shall continue until September 31, ~~2014~~ 2017, with an option of ~~(4) four~~ One (1) one-year renewals to coincide with the required Florida Department of Environmental Protection (FDEP) 5 year permit. Any extension shall be effective upon receipt of a written notice from the City to the Contractor received no later than 30 days prior to the date of termination.

Section 2. Amendment to Section 1.20 of the Contract. The parties hereby amend Section 1.20 on Notices to update same as follows:

1.20. NOTICES Whenever any party is required to give or deliver any notice to any other party, or desires to do so, such notices shall be sent via certified mail or hand delivery to:

City of Marathon
Attention: Chuck Lindsey, City Manager
9805 Overseas Highway
Marathon, Florida 33050
Telephone: (305) 743-0033
Facsimile: (305) 743-3667

With a copy to:

City of Marathon.
Attention: David Migut, City Attorney
9805 Overseas Highway
Marathon, Florida 33050
Telephone: (305) 743-0033
Facsimile: (305) 743-3667

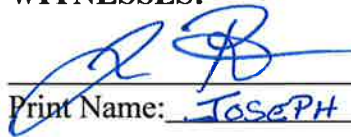
For Contractor:

Beach Raker
220 NE 13 Street
Pompono Beach, Florida 33060
Attn: Timothy Greener, President.
954-560-3906

EXCEPT AS PROVIDED HEREIN, all other terms and conditions of the Contract dated June 12, 2013 shall remain in full force and effect.


DATED this 16 day of 8, 2016.

WITNESSES:

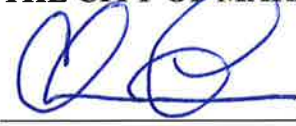

Print Name: JOSEPH PENTA

W.D. THOMPSON, INC., D/B/A BEACH RAKER

By: 
Print Name: Timothy Greener
Title: President


Print Name: Roy Thompson

THE CITY OF MARATHON, FLORIDA


Print Name: Chuck Lindsey, City Manager

ATTEST:


Print Name: 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