

RESOLUTION NO. 16-098

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "SECOND AMENDMENT TO CONTRACT" BETWEEN THE CITY AND THE UNITED STATES OF AMERICA, HEREINAFTER CALLED THE NAVY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City and the Navy entered into a Utility Service Contract on March 31, 1986; and

WHEREAS, on February 2, 1996, the Navy exercised its option to extend the Contract through March 30, 2006, on March 17, 1998, the Navy and the City amended the Contract, and on March 30<sup>th</sup>, 2006, the Navy exercised its option to extend the Contract through March 30, 2016; and

WHEREAS, the City and the Navy desire to extend the Contract for an additional period of time to facilitate negotiations for a new long-term contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached "Second Amendment to Contract" between the City and the Navy is hereby approved, to extend the term of the current wastewater utility service contract through September 30, 2016.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 16th day of March, 2016.

Authenticated by the Presiding Officer and Clerk of the Commission on 17th day of March, 2016.

Filed with the Clerk on March 17, 2016.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Clayton Lopez	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK

## SECOND AMENDMENT TO CONTRACT

This Second Amendment to Contract is entered into this 16th day of March, 2016, by and between the City of Key West, Florida, a municipal corporation (hereinafter the "CITY") and the United States of America (hereinafter "NAVY").

### WITNESSETH

WHEREAS, the CITY and the NAVY entered into a Utility Service Contract on the 31st day of March, 1986, (the "Contract"), pertaining to the wastewater utility service requested by the NAVY from the CITY; and

WHEREAS, on the 2<sup>nd</sup> day of February, 1996, the NAVY exercised its option to extend the Contract for the period ending on March 30, 2006; and

WHEREAS, on the 17<sup>th</sup> day of March, 1998, the NAVY and the CITY amended the Contract with respect to matters not pertaining to the term of the Contract; and

WHEREAS, on the 30th day of March, 2006, the NAVY exercised its option to extend the Contract for the period ending on March 30, 2016; and

WHEREAS, the CITY and the NAVY desire to extend the Contract for an additional period of time.

NOW, THEREFORE, in mutual consideration of the benefits conferred upon the parties by the terms of this Amendment, the CITY and the NAVY agree to modify the Contract as follows:

RECITALS: That the above recitals are true and correct and made a part hereof;

**Section 1:** Paragraph II of the Contract, pertaining to "Term and Termination, is hereby deleted in its entirety and replaced with the following:

This Utility Service Contract shall continue in effect until the September 30, 2016.

**Section 2:** Except as modified herein, the Contract, as extended and amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to Contract on the date first written above.

CITY OF KEY WEST, FLORIDA

By: JKS DLO  
Jim Scholl, City Manager

ATTEST:

Susan P. Harrison  
Susan P. Harrison  
Sr. Deputy City Clerk

UNITED STATES OF AMERICA

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
\_\_\_\_\_, Contracting Officer

\_\_\_\_\_  
Witness