

RESOLUTION 152 – 25

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, APPROVING AMENDMENT NO. 3 TO CONTRACT NO. CON-UT18-15MC BETWEEN THE CITY OF CAPE CORAL, FLORIDA, AND VANGUARD UTILITY SERVICE, INC., TO EXTEND THE TERM OF THE CONTRACT FOR A PERIOD OF SIX MONTHS AND INCLUDE THE INSTALLATION OF POTABLE WATER METERS, SIZES RANGING FROM 5/8" TO 2", FOR THE INSTALLATION OF POTABLE WATER METERS AT NEW CUSTOMER SERVICE CONNECTIONS, IN THE ESTIMATED AMOUNT OF \$133,890, NOT TO EXCEED BUDGETARY LIMITS; AUTHORIZING THE CITY MANAGER OR THEIR DESIGNEE TO EXECUTE THE AMENDMENT AND PURCHASE ORDER(S); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council adopted Resolution 103-18 on May 14, 2018, which approved Contract No. CON-UT18-15MC with Vanguard Utility Service, Inc. to provide professional services in exchanging the City's system-wide deployment of manual/touch read meters for Neptune E-Code Automatic Meter Reading technology; and

WHEREAS, Amendment No. 1 was approved October 2, 2019, which authorized additional services to include 1-1/12" and larger potable water meter exchanges; and

WHEREAS, the Mayor and City Council adopted Resolution 67-21 on April 7, 2021, which approved Contract Renewal No. 1 for an additional two years, from May 18, 2021 through May 17, 2023; and

WHEREAS, the Mayor and City Council adopted Resolution 87-23 on May 3, 2023, which approved Contract Renewal No. 2 and Amendment No. 2, to renew the contract for an additional two-year period and to provide additional services to include 5/8" potable water meter exchanges; and

WHEREAS, Staff is requesting approval to extend the contract for a period of six month, or until a new contract is signed, whichever occurs first, to allow time for the procurement process to be finalized; and

WHEREAS, the City Manager recommends that the Mayor and City Council approve Amendment No. 3 to Contract No. CON-UT18-15/MC with Vanguard Utility Service, Inc. to extend the contract for a period of six months, and to include the installation of potable water meters, including sizes ranging from 5/8" to 2" at new customer service connections, in the estimated amount of \$133,890, not to exceed budgetary limits.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Mayor and City Council hereby approve Amendment No. 3 to Contract No. CON-UT18-15/MC with Vanguard Utility Service, Inc. to extend the contract for a period of six months, and to include the installation of potable water meters, including sizes ranging from 5/8" to 2" at new customer service connections, in the estimated amount of \$133,890, not to exceed budgetary limits.

A copy of Amendment No. 1 is attached hereto as Exhibit 1.

Section 2. The Mayor and City Council hereby authorize the City Manager or their designee to execute the amendment and purchase order(s).

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

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

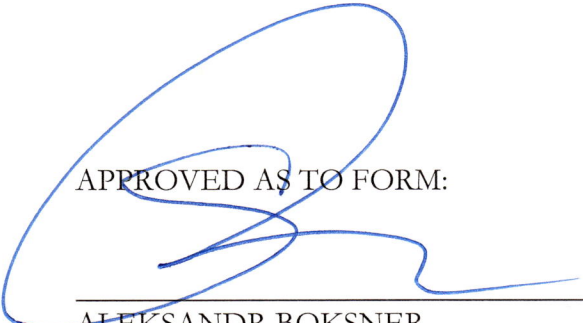
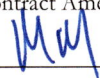
GUNTER \_\_\_\_\_  
STEINKE \_\_\_\_\_  
LEHMANN \_\_\_\_\_  
DONNELL \_\_\_\_\_

LASTRA \_\_\_\_\_  
KILRAINE \_\_\_\_\_  
LONG \_\_\_\_\_  
KADUK \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2025.

\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
res/Contract Amendment 3 Vanguard  
  
\_\_\_\_\_

AMENDMENT #3  
5/8" & 1" POTABLE WATER METER EXCHANGE PROGRAM  
CONTRACT # CON-UT18-15/MC

This AMENDMENT #3 ("Amendment") is made to the Contract between the CITY OF CAPE CORAL (CITY) and VANGUARD UTILITY SERVICE, INC. (CONTRACTOR) located at 1421 W. 9<sup>th</sup> Street, Owensboro, KY 42301 for the 5/8" & 1" Potable Water Meter Exchange Program dated May 17, 2018.

**Extension:**

The Contract is hereby extended for an additional six-month period, through November 17, 2025, or until a new contract is signed whichever occurs first. Previously executed Amendment 1 and Amendment 2 to Contract CON-UT18-15/MC will remain in effect. Additionally, installation of potable water meters, sizes ranging from 5/8" through 2", at new customer service connections is authorized based on the quoted rates provided in Exhibit A.

The following provisions are hereby added to the contract:

**PROHIBITION AGAINST CONSIDERING SOCIAL, POLITICAL, OR IDEOLOGICAL INTERESTS IN GOVERNMENT CONTRACTING:**

In accordance with Florida Statute 287.05701 the City may not request documentation of or consider a vendor's social, political, or ideological interests when determining if the vendor is a responsible vendor. An awarding body may not give preference to a vendor based on the vendor's social, political, or ideological interests.

**E-VERIFY VALIDATION:**

As a condition precedent to entering into this CONTRACT and in compliance with The Immigration and Nationality Act (INA), 8 U.S.C. Section 1324a(e) Section 274A(e) and Florida Statute State Section §448.095, Contractor or Consultant and their subcontractors shall register with and use the E-Verify system to verify work authorization status of all employees hired after January 1, 2021. The Employment Verification System (E-Verify) is operated by the Department of Homeland Security in partnership with the Social Security Administration.

A public agency must require in any contract that the contractor, and any subcontractor thereof, register with and use the E-Verify system to verify the work authorization status of all new employees of the contractor or subcontractor. A public agency or a contractor or subcontractor thereof may not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

**Contractor must include E-Verify Memorandum of Understanding (MOU) Verification document.**

All other terms and conditions of the Contract remain in effect. If and to the extent that any inconsistency may appear between the Contract and this Amendment, the provisions of this Amendment shall control.

**HUMAN TRAFFICKING:**

Pursuant to Florida Statute 787.06, when a contract is executed, renewed, or extended between a nongovernmental entity and a governmental entity, the nongovernmental entity must provide the governmental entity with an affidavit signed by an officer or a representative of the nongovernmental entity under penalty of perjury attesting that the nongovernmental entity does not use coercion for labor or services as defined in F.S. 787.06.

Except as set forth in the Amendment, the agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is a conflict between the Amendment and the Agreement or any earlier amendment, the terms of this Amendment will prevail.

(Remainder of page left blank intentionally)

AMENDMENT #3  
5/8" & 1" POTABLE WATER METER EXCHANGE PROGRAM  
CONTRACT # CON-UT18-15/MC

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized representatives this Contract Amendment #3 in one counterpart which shall be deemed original.

FOR: THE CITY OF CAPE CORAL:

Signature: \_\_\_\_\_

Printed Name: Michael Ilcyszyn

Title: City Manager

Date: \_\_\_\_\_

FOR: Vanguard Utility Service, Inc.

Signature: 

Printed Name: Robert A. Bates

Title: President

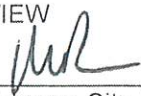
Date: 05/06/2025

(SEAL)  
ATTEST:

\_\_\_\_\_  
Kimberly Bruns, CMC

\_\_\_\_\_  
City Clerk

LEGAL REVIEW

  
for Aleksandr Boksner, City Attorney

Date: 5/5/2025

**EXHIBIT A**

1421 West 9th Street  
Owensboro, KY 42301  
Phone 270-926-4646  
Fax: 270-926-6393  
www.vusinc.com

*Pricing Summary*  
**City of Cape Coral, FL**

May 1, 2025 v3

Item	Category	Description	Qty	Unit Price	Extended Price
<b>Priority (5 Working Days)</b>					
1	Installation	Install new 5/8" water meter - for new housing service (boxes, valves, etc.) will already be set, Vanguard will drop in new meter with attached double check assembly, no plumbing, City will provide all misc appurtenances i.e. gaskets, couplings, etc.	3000	\$ 44.63	\$ 133,890.00
2	Installation	Install new 1" water meter - for new housing service (boxes, valves, etc.) will already be set, Vanguard will drop in new meter with attached double check assembly, no plumbing, City will provide all misc appurtenances i.e. gaskets, couplings, etc.	1	\$ 44.63	\$ 44.63
3	Installation	Install new 1 1/2" water meter - for new housing service (boxes, valves, etc.) will already be set, Vanguard will drop in new meter, with attached double check assembly, no plumbing, City will provide all misc. appurtenances i.e. gaskets, couplings, etc.	1	\$ 150.00	\$ 150.00
4	Installation	Install new 2" water meter - for new housing services (boxes, valves, etc.) will already be set, Vanguard will drop in new meter, with attached double check assembly, no plumbing, City will provide all misc appurtenances i.e. gaskets, couplings, etc.	1	\$ 200.00	\$ 200.00
<b>Regular Install</b>					
1	Installation	Install new 5/8" water meter - for new housing service (boxes, valves, etc.) will already be set, Vanguard will drop in new meter with attached double check assembly, no plumbing, City will provide all misc appurtenances i.e. gaskets, couplings, etc.	3000	\$ 34.63	\$ 103,890.00
2	Installation	Install new 1" water meter - for new housing service (boxes, valves, etc.) will already be set, Vanguard will drop in new meter with attached double check assembly, no plumbing, City will provide all misc appurtenances i.e. gaskets, couplings, etc.	1	\$ 34.63	\$ 34.63
3	Installation	Install new 1 1/2" water meter - for new housing service (boxes, valves, etc.) will already be set, Vanguard will drop in new meter, with attached double check assembly, no plumbing, City will provide all misc. appurtenances i.e. gaskets, couplings, etc.	1	\$ 150.00	\$ 150.00

## EXHIBIT A

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Installation

Install new 2" water meter - for new housing services (boxes, valves, etc.) will already be set, Vanguard will drop in new meter, with attached double check assembly, no plumbing, City will provide all misc appurtanances i.e. gaskets, couplings, etc.

1	\$	200.00	\$	200.00
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**HUMAN TRAFFICKING AFFIDAVIT**

In compliance with Section 787.06(13), Florida Statutes, this affidavit must be completed by an officer or representative of a nongovernmental entity that is executing, renewing, or extending a contract with the City of Cape Coral (the "Governmental Entity").

The undersigned, on behalf of the entity listed below (the "Nongovernmental Entity"), hereby attests under penalty of perjury as follows:

1. I am over the age of 18 and I have personal knowledge of the matters set forth herein.
2. I am an officer or representative of Vanguard Utility Service, Inc., a non-governmental entity and I am authorized to provide this affidavit on behalf of Nongovernmental Entity)
3. Nongovernmental Entity, and any of its subsidiaries or affiliates, do not use coercion for labor or services, as those terms are defined in Section 787.06, Florida Statutes, as may be amended from time to time.
4. If, at any time in the future, Nongovernmental Entity does use coercion for labor or services, Nongovernmental Entity will immediately notify Governmental Entity and no contracts may be executed, renewed, or extended between the parties.
5. I have read the foregoing affidavit and confirm that the facts stated in it are true, and are made for the benefit of, and reliance by Governmental Entity.

**Company:** Vanguard Utility Service, Inc.

**Authorized Signature:** [Signature]

**Date:** 05/06/2025

**Printed Name:** Robert A. Bates

**Title:** President

**STATE OF** Kentucky

**COUNTY OF** Daviess

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6th day of May, 2025, by Robert A. Bates, as President on behalf of the company/corporation. They ☒ are personally known to me or ☐ have produced \_\_\_\_\_ as identification.



(Affix Notary Stamp or Seal)

[Signature]  
Notary Public Signature

Print, Type or Stamp Name of Notary: Kathryn F. Koller  
My commission expires: January 17, 2026