

COUNCIL AGENDA STATEMENT



Meeting Date: September 10, 2024  
To: Honorable Mayor & Members of the City Council  
From: Dan Saus, Utilities Director  
Through: George Garrett, City Manager

Agenda Item: **Resolution 2024-86**, Approving Change Order #1 for PSA 23-6 Area 7 Disk Filter Construction Administration to Weiler Engineering Corporation.; Approving an increase in contract amount of \$51,725.00; Authorizing the City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

This is needed because several delays on the project due to manufacturers errors and other unforeseen circumstances as outlined in the Change Order attached as Exhibit “C” and the Summary and Explanation letter attached as Exhibit “1”. Change Order #1 is attached as Exhibit “1” details the changes as described above and in Exhibit “1”.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_____
2. Other – 2010 Sewer Mandate	_____	_____
3. Not applicable	_____	_____

FISCAL NOTE:

Appropriations for this project are included in the Wastewater Utility Fund Budget.

RECOMMENDATION:

Approval of Resolution

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2024-86**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER #1 FOR THE GENERAL CONSULTING CONTRACT PSA-23-6 TO WEILER ENGINEERING CORPORATION.; APPROVING AN INCREASE IN THE PROJECT SPECIFIC AGREEMENT AMOUNT OF \$51,725.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marathon (the “City”) and Weiler Engineering Corporation. (the “Contractor”) have entered into a Project Specific Agreement for the Utilities General Consulting; and

**WHEREAS**, the City staff wish to enter into this Change Order #1, which will enable the City to continue to the consulting needed to compete the SA7 Disk Filter Project CEI; and

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

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** Change Order #1 attached hereto as Exhibit “C”, 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 Project Agreement 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 10<sup>th</sup> DAY OF SEPTEMBER 2024**

**THE CITY OF MARATHON, FLORIDA**

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**Robyn Still, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**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:**

\_\_\_\_\_  
Steve Williams, City Attorney

**EXHIBIT “C”  
CHANGE ORDER**

**CHANGE ORDER NO. 1**

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**TO: City of Marathon**

**PROJECT: Work Authorization 23-6  
Area 7 Disk Filter Construction Administration**

**CONTRACTOR: Weiler Engineering Corporation**

**DATE: August 29, 2024**

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This Change Order will authorize the following change to the Agreement:

Provides for payment for engineering work requested by the City that is beyond the scope of work detailed in PSA 23-6, which was prepared and presented to the City on March 10, 2023. At that time, the date for achieving Final Completion of the construction was May 27, 2024. Due to unanticipated delays in delivery of materials and for other circumstances beyond WEC’s control, the proposed new Final Completion date is November 30, 2024, an increase of 187 days. While the construction times have been extended, work was not stopped and WEC must perform daily inspections of the work in progress. In addition, due to changes in the work as approved by the City, WEC had to re-design certain aspects of the work, requiring site visits to take measurements and time required to re-design the necessary elements. This increase in not-to-exceed compensation to WEC is intended to offset the additional effort required for WEC to continue providing construction management to the extended completion date and to re-design portions of the project.

This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages, and/or time adjustments of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under the Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$103,150.00 under the Agreement will be [~~unchanged~~] [**changed**] by this Change Order, and (b) the schedule for performance of Work will be [~~unchanged~~] [**changed**] by this Change Order. Contractor expressly waives any claims for any additional compensation, damages or time extensions in connection with the above-referenced changes. Except as herein or heretofore expressly modified, all terms of the Agreement 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 Agreement.

By signing below the parties indicate acceptance of this Change Order as set forth herein.

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**CONSENT OF SURETY TO CHANGE ORDER**

The Surety Agrees that this change order is not a cardinal change and if the Change Order includes an increase in the Contract amount, then the penal amount of the payment and performance bond issued for this Contract is increased by the dollar amount of this Change Order.

Not Applicable (Seal)  
Surety's Name and Corporate Seal

By: \_\_\_\_\_  
Signature and Title  
**City of Marathon**

Attest: Edward R. Castle  
Signature and Title  
**Contractor**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Edward R. Castle  
Title: Vice President, Weiler Engineering

Exhibit "1"

CHANGE ORDER SUMMARY

This Change Order is necessary to cover changes in the Work to be performed under this Agreement. Except as may be modified herein all of the provisions of the Agreement apply to and govern all Work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE AGREEMENT DOCUMENTS:

(1)	Original Contract Price	\$95,775.00
(2)	Current Contract Price (Adjusted by Previous Change Orders)	\$95,775.00
(3)	Total Proposed Change in Contract Price	\$51,725.00
(4)	New Contract Price (Item 2 + Item 3)	\$147,500.00
(5)	Original Contract Time	N/A
(6)	Proposed Change in Contract Time	N/A
(6.1)	Current Contract Time (Adjusted by Previous Change Orders)	N/A
(7)	Total Proposed Change in Contract Time	N/A
(8)	New Contract Time (Item 6 ± Item 7)	N/A
(9)	Original Contract Substantial Completion Date	N/A
(10)	New Contract Substantial Completion Date	N/A

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1	Increase to compensate for additional scope	\$97,775.00	\$51,725.00	\$0.00	\$57,725.00	N/A
<b>Total</b>					<b>\$57,725.00</b>	<b>N/A</b>

# WEILER ENGINEERING SUMMARY OF WORK COMPLETED

For



Owner:

City of Marathon  
9805 Overseas Hwy  
Marathon, FL 33050

Project:

**Area 7 WWTP Disk Filter CEI**

Prepared by:



201 WEST MARION AVENUE - SUITE 1306 | PUNTA GORDA | FL 33950  
TEL 941-505-1700 | FAX 941-505-1702 | WWW.WEILERENGINEERING.ORG

**AUGUST 2024**

## Construction Delays

The Area 7 Filter Upgrades Project has encountered multiple challenges that have significantly impacted progress and led to delays and additional work. Key issues include a manufacturer's delay in starting the disc filters (see Appendix One for backup documents), improper coating of the steel platform due to inadequate surface preparation (see Appendix Two for back up documents), reversed grating that caused clearance issues with the stairs, and the installation of filters in the wrong orientation (see Appendix Three for backup documents). These problems have necessitated extensive rework, including significant piping layout changes and adjustments to the platform to accommodate the filters and related equipment. Compounding these difficulties, modifications to the generator stairs platform, as requested by the City, have further extended the project timeline.

To address these challenges and mitigate their impact, we are preparing a forthcoming CO2 that will cover the required corrective actions and associated time to complete them. These include reworking the piping, making necessary platform adjustments, and installing additional access platforms to ensure proper maintenance of the filters (as outlined in Appendix Three). This Change Order will also include the additional generator stair modification. While Reynolds will assume financial responsibility for the errors related to the filter orientation and grating, the City will need to extend the contract timeline to account for these changes and additional costs associated with their requests.

Given the complexity and scope of these ongoing issues, additional CEI funding is requested. This funding will enable us to maintain the oversight needed to manage these complexities effectively. It will also allow us to respond promptly to any further issues that may arise, ensuring that the project remains on track. With this additional support, we can ensure the successful and timely completion of the project, despite the challenges encountered

## Change Orders

### Change Order #1

Change Order #1 was requested by Reynolds due to a manufacturer delay for the startup of the disc filters. Please see attached documents in Appendix One which include a startup letter from the manufacturer explaining the delay as well as the executed change order.

### Change Order #2

Change Order #2 is forthcoming. It was requested by Reynolds due to the impacts of reversed grating and filter orientation, as mentioned above and further discussed below. This CO also includes the modifications to the generator stairs platform, performed at the City's request, to position the spiral staircase on the West side of the filter platform. This request was made



to address access concerns. These unforeseen additions to have resulted in additional effort to complete the project.

## Unforeseen Events

### Steel Coating

One of the critical unforeseen events impacting the project was the improper coating of the steel platform. The issue arose when the steel surfaces were not adequately prepared before coating, specifically, the failure to remove slag resulted in poor adhesion of the coating. As a result, the platform required additional blasting, re-coating, and multiple inspections to meet the project's quality standards. This oversight led to delays in the project timeline and increased costs. The necessary corrective actions have been documented, and steps have been taken to ensure that such issues do not recur. However, the time and resources spent addressing this problem have contributed to the overall project delays and highlight the need for continued oversight to manage these types of challenges effectively. Please see Appendix Two, which contains inspection reports and correspondence regarding this work.

### Grating

The grating orientation was provided as a mirror image, which introduced unintended conflicts. These included clearance issues, particularly with the stairs, the placement of the CL17 shed and filter control panel, and the required clear space between the filters and the platform edge. Also, the submittal followed the grade beam dimensions rather than the platform's, leading to an excess of 2 feet. This discrepancy necessitated modifications, additional work, and adjustments. See Appendix Three.

### Filter Orientation

The reversed orientation of the filter required shifting the access platform between the filters, which is used for maintaining the spray bar and other essential components. To address this, two additional platforms were proposed for the outside of the filters. The primary concern was maintaining the required 36" clear space for circulation and proper spacing at the staircase landing. After reviewing code requirements, the decision was made to proceed with the additional platforms and extend the handrail to ensure compliance. See appendixthree.

**PLEASE COPY AND PASTE THE FOLLOWING LINK INTO YOUR INTERNET BROWSER TO ACCESS THE FULL DOCUMENT WITH FURTHER BACKUP DOCUMENTATION.**

<https://www.dropbox.com/scl/fi/f3l2jy26rw467bpu0m7gn/CoM-Area-7-Disk-Filter-WEC-Work-Completed-Combined-240827.pdf?rlkey=obz6road7v8cpikcm3f8an4hv&dl=0>