

COUNCIL AGENDA STATEMENT



Meeting Date: November 12, 2024
To: Honorable Mayor & Members of the City Council
From: Dan Saus, Utilities Manager
Through: George Garrett, City Manager

Agenda Item: **Resolution 2024-109**, Awarding Change Order #2 For the SA7 Filter Upgrades Project To Reynolds Construction.; Approving A Change In Contract Amount From \$11,413.33; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

Change Order #2 is attached as Exhibit “A” details the Scope of Work and cost breakdown for the required work changes in the SA7 Filter Upgrades project. The changes include modifications to the generator stairs platform required because the filter manufacturer failed to supply a “left hand discharge” filter as ordered. City staff, consisting of the Utility Director and the Utility Staff, have reviewed the proposal and the proposal is reasonable for the work and approval is recommended.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>X</u>	_____
2. Other – 2010 Sewer Mandate	<u>X</u>	_____
3. Not applicable	<u>X</u>	_____

FISCAL NOTE:

The adopted FY25 Wastewater Utility budget includes appropriations of \$100,000 for the SA7 filter upgrade project.

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2024-109**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER #2 TO THE CONTRACT WITH REYNOLDS CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$11,413.33 FOR THE POWER CONDITIONING PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Change Order #2 is attached as Exhibit “A” details the Scope of Work and cost breakdown for the required work changes in the SA7 Filter Upgrade project; and

WHEREAS, the Staff recommends the City Council to approve Change Order #2 for the additional work described to the proposal from Reynolds Construction, in an amount not to exceed \$11,413.33, as provided on Exhibit “A.

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 are incorporated herein by this reference.

Section 2. Change Order #2, between the City and the Reynolds construction for the SA 7 Filter Upgrade Project a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form by the City Attorney, is hereby approved. The City Manager is authorized to execute Change Order #2 on behalf of the City and expend budgeted funds.

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 12TH DAY OF NOVEMBER 2024.

THE CITY OF MARATHON, FLORIDA

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

CHANGE ORDER

CHANGE ORDER NO. 2

TO: City of Marathon

PROJECT: City of Marathon A7 Filter Upgrades Project

CONTRACTOR: Reynolds Construction, LLC

DATE: September 25, 2024

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

The Work as set forth in the Agreement is hereby amended to include the items set forth on **Exhibit "1"** attached hereto and by this reference made a part hereof.

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 \$ 1,225,000.00 under the Agreement will be [**changed**] by this Change Order, and (b) the schedule for performance of Work will be [**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.

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.

Travelers Casualty and Surety Company of America (Seal)

Surety's Name and Corporate Seal

By: [Signature]

Signature and Title William A. Kantlehner, III
Attorney-in-Fact

City of Marathon

By: _____

Name: George Garrett

Title: City Manager

Date: _____



Attest: [Signature]

Signature and Title Elizabeth Dawson
Attorney-in-Fact

Contractor: Reynold's Construction LLC

By: [Signature]

Name: Josh Vondersaar

Title: VP

Date: 10/3/2024

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 \$1,225,000.00
- (2) Current Contract Price (Adjusted by Previous Change Orders) \$1,225,000.00
- (3) Total Proposed Change in Contract Price \$11,413.33
- (4) New Contract Price (Item 2 + Item 3) \$1,236,413.33
- (5) Original Contract Time (Days)..... 300 Days
- (6) Current Contract Time (Adjusted by Previous Change Orders)387 Days
- (7) Total Proposed Change in Contract Time 100 Days
- (8) New Contract Time (Item 6 ± Item 7)487 Days
- (9) Original Contract Substantial Completion Date April 27, 2024
- (10) New Contract Substantial Completion Date October 31, 2024

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change In Contract Price	Net Change Contract Time
1.	Time Extension	\$1,225,000.00	N/A	N/A	\$0.00	87
2.	CO2	\$1,225,000.00	\$11,413.33	N/A	\$11,413.33	100
Total					\$0.00	87

The Change Order is a result of:

This change order is a result of the impacts of reversed grating and filter orientation. Additionally, this change order covers the modifications to the generator stairs platform, to position the spiral staircase on the West side of the filter platform. This request was made by the City to address access concerns. These unforeseen additions to have resulted in additional time to complete the project.

The Cost Breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
PCO1	\$ 11,413.33
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL	\$ 11,413.33



Reynolds Construction

300 East Broad St
Fairburn, GA 30213

CHANGE PROPOSAL
SUMMARY NO:

PROJECT NAME	Area 7 WWTP Headworks & Filter Upgrades	PROJ. NO.:	
LOCATION:	Marathon, FL	DATE:	08/26/24
OWNER:	City of Marathon	DRAWING NO.:	
ENGINEER:		SPEC. SECTION:	

REFERENCE PCO NO.: 001 FIELD DIRECTIVE NO.: N/A RFI NO.: N/A OTHER:

DESCRIPTION:

Generator Stair Relocation & 6" Check Valve Install

This proposal is inclusive of all labor, equipment, & materials for the relocation of the existing generator stair & the installation of the 6" Kennedy check valve supplied by the City of Marathon.

PRICING INFORMATION

	SKILL/TRADE	MAN-HOURS	RATE	COST
1. DIRECT LABOR	See backup sheet for breakdown	60		\$ 4,440.60
1.A PRODUCT LABOR:				
1.B <input type="checkbox"/> FOREMAN <input type="checkbox"/> SUPERINTENDENT	Safety	0	\$ 88.24	\$ -
	QA/QC	0	\$ 86.28	\$ -
1.C OFFICE ENGINEERING:	Superintendent - (JL)	0	\$ 98.74	\$ -
	Project Engineer	0	\$ 86.28	\$ -
	Project Manager - (JB)	3	\$ 98.74	\$ 296.22
1.D BURDEN	Labor Burden (included in Rates)			\$ -
				\$ 4,736.82

	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
2. MATERIALS AND EQUIPMENT					
2.A INCORPORATED IN WORK:	See Detail Break Down	1	LS	\$ 4,401.36	\$ 4,401.36
					\$ -
					\$ -
2.B CONSUMED IN PERFORMANCE:	Small Tools and Expendables (5% of field labor)				\$ 222.03
	- (STC pending task)				
2.C EQUIPMENT:	See Backup Sheet	1	LS	\$ -	\$ -
	Fuel and Service 20% of Equip Cost	1	LS	\$ -	\$ -
2.D DIRECT COSTS:					\$ 4,623.39
2.E SALES TAX: 7.5%					\$ 346.75
					\$ 4,970.14

	NAME	DESCRIPTION OF WORK	COST
3. SUBCONTRACTORS			
3.A DIRECT:	See Detail Sheet		\$ -
3.B LOWER TIER:			\$ -

Contract Time Extension Costs	Days Requested	Daily Rate	COST
Contractor Extension Costs	0	0	\$ -
Subcontractor Extension Costs	0	0	\$ -
*(daily rate is subject to change per actual OH items)			Total Time Extension Costs \$ -

EXTENSION OF CONTRACT TIME:
** Each location will have approx. two days added. Metals may add additional days.*

CONFIRMED	This Proposal does not include any \$ for extension or acceleration but the right to ask for these costs at a later date is expressly reserved if determined to be necessary.
N/A	Extension cost is included in this proposal
N/A	Acceleration cost to maintain project schedule are included in this proposal. *

5. FEE STRUCTURE	Rate	COST	Overhead 10%	SUBTOTAL
A. Contractor				
1. Direct Labor:		\$ 4,736.82	15%	\$ 5,447.34
2. Material & Equipment:		\$ 4,970.14	15%	\$ 5,715.66
3. Subcontractors:		\$ -	5%	\$ -
4. Bond & Insurance:	1.95%	\$ 217.68	15%	\$ 250.33
TOTAL COST OF THIS CHANGE PROPOSAL (All deductions shown in parentheses):			TOTAL	\$ 11,413.33

RECORD DOCUMENTS: As part of this Change Proposal, the Contractor shall provide applicable record drawing information affected by this change.

Signed: Jason Brownlee
Title: Project Manager Date: 08/26/24
Contractor: Reynolds Construction, LLC

ACCEPTANCE BY OWNER

Signature of Owner's Authorized Representative: _____ Date: _____
Engineer to prepare necessary change order Engineer to Re-negotiate change proposal as noted above Other as above

OWNER:	CONTRACTOR: Reynolds Construction	PROJECT
ENGINEER:	FIELD:	NO.:
	OTHER:	DATE:

CHARLEY TOPPINO & SONS, INC.

P. O. BOX 787

KEY WEST, FL 33041

Ph: (305)296-5606

Fax: (305)296-1207

Contractor's License No:



Customer Information

REYNOLDS CONSTRUCTION, LLC

300 EAST BROAD STREET

FAIRBURN, GA 30213

Phone:

Fax:

Invoice

Inv No: 55569

Date: 6/20/2024

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Invoice Description

PO #22307 - DOT CRUSHED ROCK - PICK UP

Item No	Date	Description of Work	Units	Unit Cost	Amount
1	06/20/2024	DOT CRUSHED LIMEROCK BASE TICKET #191731	4.57	72.10	329.50 *
2	06/20/2024	CUSTOMER ACCOUNT TERMS: Payment Terms are Net 30 Days, 5% Late Fees assessed to all Past Due Invoices, Past Due Invoices accrue interest until paid (18% per annum) Terms are subject to change. Please refer to your Customer Account Terms Notice for additional information.	0.00	0.00	0.00
3		Sales tax @ 7.50%	0.00	0.00	<u>24.71</u>
				Total Invoice Amount:	<u>\$354.21</u>

Total Amount Due This Invoice: \$354.21

RECEIVED

By *Freddie.Churbock* at 1:43 pm, Jun 24, 2024

MONROE CONCRETE PRODUCTS, INC.

P.O. DRAWER 1149
KEY WEST, FL 33041

Invoice

Invoice No: 205106 Date 02/15/2024

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(305)296-5606

Fax: (305)296-1207

Billing Information: REYNOLDS CONSTRUCTION, LLC 300 EAST BROAD STREET FAIRBURN, GA 30213 (877) 770-0127 Fax:	Invoice Description: 59255 OVERSEAS HWY - 5089 PUMPMIX
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Item	Date	Description of Work	Units	Unit Cost	Amount
1	02/15/2024	5000 PSI WITH ASTM #89 PEA ROCK - PUMP MIX MARATHON PLANT - TICKETS #14763 & 14765	4.00	210.50	842.00 *
2	02/15/2024	FUEL SURCHARGE-MARATHON PLANT	2.00	10.00	20.00 *
3	02/15/2024	ENVIRONMENTAL FEE-MARATHON PLANT	2.00	8.00	16.00 *
4	02/15/2024	CUSTOMER ACCOUNT TERMS: Payment Terms are Net 30 Days, 5% Late Fees assessed to all Past Due Invoices, Past Due Invoices accrue interest until paid (18% per annum) Terms are subject to change. Please refer to your Customer Account Terms Notice for additional information.			
5		Sales Tax @ 7.50 %			65.85
Total Invoice Amount					943.85

RECEIVED
FEB 28 2024
BY: