

**CITY OF MARATHON, FLORIDA
RESOLUTION 2006-112**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 3 TO THE AGREEMENT BETWEEN THE CITY OF MARATHON, FLORIDA AND THE WEILER ENGINEERING CORPORATION, FOR WASTEWATER ENGINEERING CONSULTING, DESIGN AND CONSTRUCTION MANAGEMENT SERVICES, IN THE AMOUNT OF \$321,223 FOR ENGINEERING, DESIGN AND CONSTRUCTION MANAGEMENT FOR ROADWAY, STORMWATER, AND WASTEWATER IMPROVEMENTS IN LITTLE VENICE PHASE I

WHEREAS, on July 25, 2005, the City entered into an Agreement (the "Agreement") with Weiler Engineering Corporation ("Weiler"), whereby Weiler would provide the City with engineering consulting, design and construction management services in connection with wastewater projects in the City; and

WHEREAS, the City wishes to address cleanouts, stormwater issues, and roadway repaving in the Little Venice Phase I area as well; and

WHEREAS, it is necessary to coordinate the wastewater engineering with the stated work, and thereby enable one construction project for all systems; and

WHEREAS, the City can benefit from significant savings in time and money by combining the engineering consulting, design and construction management services contracts for wastewater and stormwater; and

WHEREAS, the City and Weiler have agreed to amend the Agreement to add the engineering consulting, design and construction management services for the stormwater/cleanout/repaving projects and the additional contract amount of \$321,223, all as reflected in Change Order No. 3.

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

Section 2. The Council approves Change Order No. 3 to the Agreement between the City and Weiler, a copy of which is attached hereto as Exhibit "A".

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 25th day of July, 2006.


THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Mearns, Pinkus, Tempest, Worthington, Bull
NOES: None
ABSENT: None
ABSTAIN: None

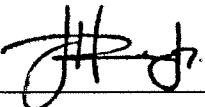
ATTEST:



Diane Clavier
City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney

CHANGE ORDER # 3

TO: City of Marathon

PROJECT: Wastewater Engineering Consulting, Design & Construction
Management Services

ENGINEER: Weiler Engineering

DATE: July 25, 2006

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 "A" attached hereto and by this reference made a part hereof.

This Change Order constitutes full, final, and complete compensation to Weiler for all costs, expenses, overhead, and profit, and any damages of every kind that Weiler may incur in connection with the above referenced changes in the Design Work or any other effect on any of the Construction Management Work under this Agreement. Weiler acknowledges and agrees that (a) the Guaranteed Maximum Price of \$7,232,751 under the Agreement will be [unchanged] [changed] by this Change Order, and (b) the schedule for performance of Design Work will be [unchanged] [changed] by this Change Order. Weiler 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.

CITY OF MARATHON
a Florida municipal corporation

By: Michael H. Puto

Name: MICHAEL H. PUTO

Title: CITY MANAGER

WEILER ENGINEERING CORP.

By: R. Jeff Weiler

Name: R. Jeff Weiler

Title: President

ADDENDUM TO MARATHON SEWER EXPANSION – SCOPE OF SERVICES – BASIC SERVICES - EXHIBIT A TO PROVIDE ANALYSIS AND DESIGN SERVICES FOR STORMWATER IMPROVEMENTS IN THE LITTLE VENICE PHASE II SERVICE AREA.

Weiler Engineering “Engineer” is currently contracted by the City to evaluate and prepare the necessary designs, specifications, reports and applications to construct wastewater facilities throughout the City and to provide stormwater facilities in conjunction with the wastewater. The Little Venice Service areas were previously sewered and not included in the scope of stormwater design. The City Staff and the Engineer agree that it is prudent to continue the stormwater design to include all the areas within the City. It is our general understanding that the City wishes to combine the existing Contract for Professional Services referenced above for Engineer to assist the City to prepare a comprehensive study and analysis, design and permits and provide services during construction to incorporate improvements to the stormwater management systems in the Little Venice Service Areas.

The project drainage improvements consist of modifying the existing drainage facilities and adding facilities to improve the drainage characteristics within each service area consisting of single or multiple drainage basins. The specific locations for adding new ditches, regrading ditches, replacing side drains, adding stormwater discharge wells and trench drains, replacing cross drains, etc. will be determined during the study process. The project drainage improvements will be designed and permitted within the existing rights-of-way. As part of this project the Engineer will also design cleanouts to be placed on the existing sewer service laterals. Engineer will provide services during construction to assure compliance with the design and regulatory requirements.

Services will generally include those outlined in the current agreement:

- A1.01 Study and Report Phase - Planning*
- A1.02 Preliminary Design Phase*
- A1.03 Final Design Phase*
- A1.04 Bidding or Negotiating Phase*
- A1.05 Construction Phase*
- A1.06 Post-Construction Phase*

as applicable and supplemented as follows:

The survey will be provided to evaluate the drainage characteristics including overland runoff from upland properties of each service area.

Geotechnical evaluation will be provided as necessary to determine the drainage characteristics of each service area.

The ENGINEER will supplement the area-wide drainage study that encompasses the City with additional information necessary to include the project area and all runoff from upland properties tributary to the project. The study will include the following:

- (a) A hydraulic model that will address water quantity and quality provisions and estimated peak flows, maximum stage, and time stages for all reaches within the project area and specific basins for the 25 year, 50 year, and 100 year storm events. The study will address a comparison of pre-existing, post-development and future

development flows and examine options to improve existing drainage.

- (b) An examination of the existing stormwater management facilities for each basin.
- (c) The drainage study will identify problem areas and drainage solutions for each of the service areas.
- (d) Assist City Staff to prepare a Facilities Plan adequate for submittal to State and Federal agencies for consideration for Grants and loans and assist City Staff with monitoring and reporting requirements.

The ENGINEER will coordinate permitting requirements with SFWMD, the City, the FDOT and the COUNTY. The ENGINEER will hold coordination meetings with the City, County, FDOT and SFWMD for this task.

Construction documents will include:

- (a) Key sheets
- (b) General Notes
- (c) Existing conditions sheets
- (d) Drainage basin sheets
- (e) Plan / Profile sheets for drainage improvements along each street within the project area
- (f) Detail sheets
- (g) A construction cost estimate for the proposed work.
- (h) Quantities, bidding documents and specifications.

The ENGINEER will prepare all requisite stormwater permit applications for one conceptual permit, in accordance with applicable requirements set forth by the South Florida Water Management District and requirements for the management and storage of surface water and/or individual permits, if necessary, for each service area. Upon securing City approval, the ENGINEER will make direct submissions to said agency and will perform subsequent required evaluations, coordination, and follow-up services. The City will review the permit applications, as necessary, and the ENGINEER will administer the agency review process. Services required of the ENGINEER for the SFWMD permit application will include preparation of exhibits, drawings, sketches, and other design information and data, in order to satisfy minimum requirements of said agency. All necessary operational, construction and environmental permit applications (SFWMD) will be prepared, processed, and ready for submittal in full by the ENGINEER, and will be submitted to respective state, local, and City governing authorities for review. All necessary permit drawings, and supporting technical and non-technical data will be prepared by the ENGINEER and will accompany each permit application.

During construction, Engineer shall provide services to assist the City to assure that the improvements are constructed in accordance with the Construction Plans and regulatory

requirements. These services will be performed concurrently during construction of the wastewater facilities.

Summary Sheet - Engineering Fees - Little Venice Phase II

Study & Report	\$10,326
Survey & Geotechnical	\$14,797
Preliminary Design	\$38,604
Final Design	\$23,797
Bidding & Negotiating	\$3,120
Construction Admin and Inspection Including Grant Admin assistance	\$9,360
Post Construction	\$653

\$100,658

Estimated cost of advertising
Prints, express mail & Applications \$3,587