

Sponsored by: Puto

**CITY OF MARATHON, FLORIDA
RESOLUTION 2006-159**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING CITY MANAGER TO SIGN A CONTRACT WITH A GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF MARATHON FIRE STATION NO. 14 TO BILTMORE CONSTRUCTION COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$6,190,924

WHEREAS, the City of Marathon (the "City") issued a Request for Qualifications for Construction Manager at Risk (General Contractor) for the construction of the Fire Station No. 14 (the "Project"); and

WHEREAS, after qualifications were received on June 14, 2006, the City Council reviewed all submissions and identified Biltmore Construction Company, Inc. (the "Contractor") as the most qualified company and awarded the contract; and

WHEREAS, at this time, Biltmore Construction has submitted its guaranteed maximum price for construction of Marathon Fire Station No. 14 in an amount not to exceed \$6,190,924.

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 incorporated herein.

Section 2. Council authorizes the City Manager to sign a contract (attached hereto as Exhibit "A") on behalf of the City with a guaranteed maximum price for the construction of Marathon Fire Station No. 14 to Biltmore Construction in an amount not to exceed \$6,190,924.

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 3rd day of October, 2006.

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

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

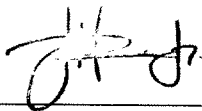
ATTEST:



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



AIA Document A121™ CMc – 2003

Amendment No. 1

AMENDMENT NO. 1

TO AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER

Pursuant to Section 2.2 of the Agreement, dated July 26, 2006 between City of Marathon (Owner) and Biltmore Construction Co., Inc. (the Construction Manager), for Construction of Fire Station No 14 (the Project), the Owner and Construction Manager establish a Guaranteed Maximum Price and Contract Time for the Work as set forth below.

ARTICLE I GUARANTEED MAXIMUM PRICE

The Construction Manager's Guaranteed Maximum Price for the Work, including the estimated Cost of the Work as defined in Article 6 and the Construction Manager's Fee as defined in Article 5, is Six Million, One Hundred Ninety One Thousand and 00/100 (\$6,191,000.00). This Price is for the performance of the Work in accordance with the Contract Documents listed and attached to this Amendment and marked Exhibits A through F, as follows:

- Exhibit A Drawings, Specifications, addenda and General, Supplementary and other Conditions of the Contract on which the Guaranteed Maximum Price is based, pages 1 through 10 , dated 11/10/06 .
- Exhibit B Allowance items, pages 1 through 1 , dated 11/10/06 .
- Exhibit C Assumptions and Clarifications made in preparing the Guaranteed Maximum Price, pages 1 through 2 , dated 11/10/06 .
- Exhibit D Completion Schedule, pages 1 through 1 , dated 11/10/06 .
- Exhibit E Alternate Prices, pages — through —, dated .
- Exhibit F Unit Prices, pages — through —, dated —.

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

ARTICLE II CONTRACT TIME

The date of Substantial Completion established by this Amendment is:

OWNER

Michael H. Puto

(Signature)

MICHAEL H. PUTO, City Manager

(Printed name and title)

11-28-2006

Date

Diane Clavier

ATTEST

CONSTRUCTION MANAGER

E. Parker, Jr.

(Signature)

E. Parker, Jr. President/eco

(Printed name and title)

12/1/06

Date

E. Parker

ATTEST

| 11/10/06

EXHIBIT "A"

ENUMERATION OF DOCUMENTS

This Guaranteed Maximum Price (GMP) Proposal is based on the Construction Documents consisting of the Drawings, Specifications and all Addenda enumerated on Exhibit 'A' except as modified by the QUALIFICATIONS, CLARIFICATIONS AND ASSUMPTIONS enclosed herein. Once accepted, this GMP proposal will be incorporated into a GMP Amendment to the original Contract Documents.

Construction Drawings as prepared by Cartaya & Associates Architects, P.A. dated as shown.
Construction Specifications as prepared by Cartaya & Associates Architects, P.A. dated as shown.

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

Baltimore Construction Co., Inc.

-0871 Marathon Fire Station No. 14

Prepared by Cartaya & Associates

| Specification Number | Title | Date | Rev. | Received Date | Status | Comments |
|-------------------------|--|------------|------|---------------|----------|----------|
| 01010 | Summary of Work | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01039 | Coordination and Meeting | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01045 | Cutting and Patching | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01050 | Field Engineering | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01090 | Reference Standards | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01300 | Submittals | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01392 | Trench Safety Design | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01395 | Trench Safety Program | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01452 | Material Testing | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01500 | Construction Facilities and Temporary Controls | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01550 | Traffic Control | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01560 | Temporary Controls | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01590 | Field Offices and Shields | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01600 | Material and Equipment | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01650 | Starting of Systems | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01700 | Contract Closeout | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 01730 | Operation and Maintenance Data | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02230 | Clearing and Grubbing | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02240 | Dewatering | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02300 | Earthwork | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02317 | Trenching and Backfilling | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02370 | Erosion and Sedimentation Control | 10/30/2006 | | 10/31/2006 | 100% CDs | |

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

Hiltmore Construction Co., Inc.

| -0871 Marathon Fire Station No. 14 | | Prepared by Cartaya & Associates | | | | |
|------------------------------------|--|----------------------------------|------|---------------|----------|----------|
| Specification Number | Title | Date | Rev. | Received Date | Status | Comments |
| 02503 | Cleaning and Flushing of Pressure Piping Systems | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02505 | Testing of Pressure Piping Systems | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02507 | Disinfection of Potable Water Piping | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02510 | Buried Potable Water System Materials | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02531 | Gravity Sanitary Sewerage Systems | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02630 | Storm Drainage System | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02740 | Asphaltic Concrete Pavement | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02761 | Pavement Marking | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02810 | Irrigation | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02931 | Tree and Plant Protection | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02935 | Sodding | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02950 | Restoration, General | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 02952 | Trees, Plants and Groundcover | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 03100 | Concrete Forms and Accessories | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 03200 | Concrete Reinforcing | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 03300 | Cast-in-Place Concrete | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 03410 | Structural Precast Concrete | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 03520 | Roof Insulating Concrete and Insulation Board | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 04810 | Unit Masonry Assemblies | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 05120 | Structural Steel | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 05515 | Ladders | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 05520 | Handrails and Railings | 10/30/2006 | | 10/31/2006 | 100% CDs | |

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

Jiltmore Construction Co., Inc.

-0871 Marathon Fire Station No. 14

Prepared by Cartaya & Associates

| Specification Number | Title | Date | Rev. | Received Date | Status | Comments |
|-------------------------|---------------------------------------|------------|------|---------------|----------|----------|
| 06100 | Rough Carpentry | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 06110 | Finish Carpentry | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 07190 | Vapor Barrier | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 07210 | Building Insulation | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 07270 | Firestopping | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 07510 | Built UP Bituminous Roofing | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 07600 | Flashing and Roofing Accessories | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 07610 | Metal Roofing | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 07920 | Sealants and Caulking | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 08330 | Roll Up Doors | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 08332 | Wood Doors | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 08501 | Operable Combination Louvered Windows | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 08520 | Aluminum Storefront | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 08710 | Finish Hardware | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 08800 | Glass & Glazing | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 09111 | Metal Stud Framing System | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 09210 | Stucco | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 09250 | Gypsum Drywall System | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 09310 | Ceramic/Porcelain Tile | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 09500 | Acoustical Ceiling System | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 09650 | Resilient Flooring | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 09688 | Carpet Broadloom | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 09900 | Painting | 10/30/2006 | | 10/31/2006 | 100% CDs | |

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

iltmore Construction Co., Inc.

-0871 Marathon Fire Station No. 14

Prepared by Cartaya & Associates

| Number | Title | Date | Rev. | Received Date | Status | Comments |
|--------|--|------------|------|---------------|----------|----------|
| 10160 | Solid Plastic Toilet Compartments | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 10350 | Flagpoles | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 10441 | Identifying Devices | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 10522 | Fire Extinguishers | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 10650 | Operable Partitions | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 10800 | Toilet and Bath Accessories | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 10999 | Miscellaneous Specialties | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 12620 | Cabinet Work | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 13915 | Fire Suppression Sprinklers | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 14200 | Passenger Elevator | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15050 | Basic Mechanical Materials and Methods | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15081 | Duct Insulation | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15140 | Domestic Water Piping | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15150 | Sanitary Waste and Vent Piping | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15160 | Storm Drainage Piping | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15194 | Fuel Gas Piping | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15410 | Plumbing Fixtures | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15415 | Drinking Fountains and Water Coolers | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15430 | Plumbing Specialties | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15486 | Fuel-Fired, Domestic Water Heaters | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15554 | Diesel Fuel Oil Underground Tank | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15738 | Split-System Air-Conditioning Units | 10/30/2006 | | 10/31/2006 | 100% CDs | |

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

Hiltmore Construction Co., Inc.

-0871 Marathon Fire Station No. 14

Prepared by Cartaya & Associates

| Number | Title | Date | Rev. | Received Date | Status | Comments |
|----------------------|--|------------|------|---------------|----------|----------|
| 15815 | Metal Ducts | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15816 | Nonmetal Ducts | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15840 | Air Terminal Units | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15855 | Diffusers, Registers and Grilles | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 15990 | Testing, Adjusting and Balancing | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16050 | Basic Electrical Material and Methods | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16060 | Grounding and Bonding | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16120 | Conductors and Cables | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16130 | Raceways and Boxes | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16140 | Wiring Devices | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16231 | Packaged Engine Generators | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16410 | Enclosed Switches and Circuit Breakers | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16415 | Transfer Switches | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16442 | Panelboards | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16511 | Interior Lighting | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16521 | Exterior Lighting | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| 16571 | Fire Alarm | 10/30/2006 | | 10/31/2006 | 100% CDs | |
| <u>Architectural</u> | | | | | | |
| A-1 | First Floor Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-2 | Second Floor Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-3 | First Floor Reflected Ceiling Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-4 | Second Floor Reflected Ceiling Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

Hiltmore Construction Co., Inc.

-0871 Marathon Fire Station No. 14

Prepared by Cartaya & Associates

| Number | Title | Date | Rev. | Received Date | Status | Comments |
|----------------------|--|------------|------|---------------|----------|----------|
| <u>Architectural</u> | | | | | | |
| A-5 | Roof Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-6 | Elevations | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-7 | Wall Sections | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-8 | Wall Sections | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-9 | Wall Sections | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-10 | Elevator Sections & Stair Sectioni | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-11 | Partition Walls | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-12 | Door Schedule/Finish Schedule | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-13 | Roof Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-14 | Enlarged Bathroom Plan and Bathroom Elevations | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| A-15 | Miscellaneous Details/Interior Elevations at Aparatus Area | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| <u>Civil</u> | | | | | | |
| C-1 | Site Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| C-2 | Drainage/Utility Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| C-3 | Civil Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| <u>Electrical</u> | | | | | | |
| E0.1 | Electrical Notes | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E1.1 | Electrical Photometric Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E1.2 | Electrical Site Power Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E2.1 | Lighting Plan First Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E2.2 | Lighting Plan Second Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E3.1 | Power Plan First Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E3.2 | Power Plan Second Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

3iltmore Construction Co., Inc.

-0871 Marathon Fire Station No. 14

Prepared by Cartaya & Associates

| Number | Title | Date | Rev. | Received Date | Status | Comments |
|------------------------|----------------------------------|------------|------|---------------|----------|----------|
| <u>Electrical</u> | | | | | | |
| E5.1 | Riser Diagram | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E6.1 | Panel Schedule | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E7.1 | Electrical Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| E7.2 | Electrical Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| <u>Fire Protection</u> | | | | | | |
| FA0.1 | Fire Alarm Notes | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| FA2.1 | Fire Alarm Plan First Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| FA2.2 | Fire Alarm Plan Second Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| FA5.1 | Fire Alarm Riser Diagram | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| FA7.1 | Fire Alarm Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| FS0.1 | Fire Sprinkler Notes | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| FS1.1 | Fire Sprinkler Site Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| FS2.1 | Fire Sprinkler Plan First Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| FS2.2 | Fire Sprinkler Plan Second Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| <u>General</u> | | | | | | |
| COV | Cover Sheet | 9/22/2006 | | 9/26/2006 | GMP | |
| <u>Landscaping</u> | | | | | | |
| L-1 | Planting Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| L-2 | Planting Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| IR-1 | Irrigation Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| IR-2 | Irrigation Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| <u>Mechanical</u> | | | | | | |
| M0.1 | Mechanical Notes | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| M0.2 | Mechanical Schedule | 10/16/2006 | | 10/25/2006 | 100% CDs | |

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

Hiltmore Construction Co., Inc.

-0871 Marathon Fire Station No. 14

Prepared by Cartaya & Associates

| Number | Title | Date | Rev. | Received Date | Status | Comments |
|-------------------|-------------------------------------|------------|------|---------------|----------|----------|
| <u>Mechanical</u> | | | | | | |
| M2.1 | Mechanical Plan First Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| M2.2 | Mechanical Plan Second Floor | 10/16/2006 | q | 10/25/2006 | 100% CDs | |
| M3.1 | Roof Mechanical Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| M5.1 | Mechanical Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| M5.2 | Mechanical Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| M6.1 | Mechanical Sections/Sensor Controls | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| <u>Plumbing</u> | | | | | | |
| P0.1 | Plumbing Notes | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| P2.1 | Sanitary Plan First Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| P2.2 | Sanitary Plan Second Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| P3.1 | Domestic Water Plan First Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| P3.2 | Domestic Water Plan Second Floor | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| P5.1 | Sanitary Isometric | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| P6.1 | Domestic Water Isometric | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| <u>Site Plan</u> | | | | | | |
| 0 | Conceptual Drainage/Site Plan | 9/26/2006 | | 9/27/2006 | GMP | |
| <u>Structural</u> | | | | | | |
| S0.1 | Structural Notes | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S1.1 | Foundation/Ground Floor Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S1.2 | Second Floor Framing Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S1.3 | Roof Level Framing Plan | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S2.1 | Typical Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S2.2 | Typical Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |

Enumeration of Documents

Exhibit "A"

Date: 11/8/2006

Millmore Construction Co., Inc.

| -0871 Marathon Fire Station No. 14 | | Prepared by Cartaya & Associates | | | | |
|------------------------------------|---|----------------------------------|------|---------------|----------|----------|
| Number | Title | Date | Rev. | Received Date | Status | Comments |
| <u>Structural</u> | Typical Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S2.3 | Typical Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S2.4 | Comp. & Cladding Wind Pressures Load Diagrams | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S3.1 | Panel Shear Load Diagrams | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S3.2 | Pilecap Details | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S4.1 | Schedules | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| S5.1 | Survey | 9/15/2006 | | 9/21/2006 | GMP | |
| <u>Survey</u> | 00 | | | | | |
| <u>Title Sheet</u> | Cover Sheet | 10/16/2006 | | 10/25/2006 | 100% CDs | |
| COV 1 of 1 | | | | | | |

EXHIBIT "B"

ALLOWANCES

The Allowances noted below represent values included in this Guaranteed Maximum Price (GMP) Proposal to cover the cost of certain items absent or not specified in sufficient detail in the enumerated Drawings and Specifications or for which uncertainty remains. The amount of the Allowance stipulated herein is inclusive of all labor, materials and equipment necessary to perform the anticipated work. The CLARIFICATIONS, QUALIFICATIONS AND ASSUMPTIONS section of this GMP may provide a more detailed description of these Allowances.

Allowances for work as represented in this GMP may govern over the actual items contained in the Final Drawings and Specifications.

Variations between the Allowance values and the actual cost of these prescribed items may be reflected in Change Order(s) to this Guaranteed Maximum Price (GMP) Proposal.

| DESCRIPTION OF ALLOWANCE | VALUE |
|--------------------------|-------------|
| Food Service Equipment | \$15,000.00 |

EXHIBIT "C"

CLARIFICATIONS, QUALIFICATIONS AND ASSUMPTIONS

1. No abatement of asbestos or other hazardous material is included in this GMP.
2. No permit, utility connection or impact fees are included.
3. No threshold building inspection cost is included.
4. A site office for the Project Architect is not included.
5. Utility consumption costs are included for temporary construction purposes only. Permanent utilities by Owner.
6. Unless specified, colors and finishes shall be only standard selections available from the manufacturer. No premium or exotic colors or finishes are included.
7. Warranties and Guarantees:
 - a. Construction Manager to the Owner

The Construction Manager warrants to the Owner that the materials and workmanship furnished under this Contract will be of good quality and new unless otherwise required or permitted by the Construction/Contract Documents, that the Work will be free from defects not inherent in the quality required or permitted, and that the Work will conform with the requirements of the Construction/Contract Documents. Work not conforming to these requirements, may be considered defective. The Construction Manager's warranty excludes remedy for damage or defect caused by insufficient maintenance, improper operation, or normal wear and tear under normal usage. The term and duration of this express warranty is one (1) year from the Date of Substantial Completion. The provisions herein shall not prevent the Owner from proceeding directly against the manufacturer and/or installer for such longer period of time as allowed by state statute.

- b. Installer / Subcontractor Warranties and Guarantees

The Subcontractor shall warrant to the Owner and to the Construction Manager that all workmanship and materials are free from defects in installation. The express warranty/guarantee shall be consistent with the durations stipulated in the Construction/Contract Documents. The period customarily being one (1) year from the Date of Substantial Completion established in the Construction/Contract Documents.

Notwithstanding anything to the contrary, neither the Construction Manager, nor its surety, nor the Subcontractor shall have any joint/several liability relating to, nor shall

they be obligated to underwrite, or in any way become guarantor(s) of any manufacturer's warranty/guaranty or product to the Owner. The Owner shall be provided with the "standard" manufacturer's warranty, and it shall satisfy the requirements under the Construction/Contract Documents relating thereto.

c. Manufacturer's Express Warranties / Guarantees

The Construction Manager shall collect and transmit to the Owner any and all standard manufacturer's warranties and standard manufacturer's guarantees specified in the Construction/Contract Documents. The obligation and liability of the Construction Manager and/or its surety is limited to the collection and proper transmittal of these warranties and guarantees to the Owner.

8. Special conditions relating to Owner purchased – Contractor installed items and associated tax exemptions.

- a. Notwithstanding any provision to the contrary, should the Owner elect to purchase items directly and avoid any sales taxes or other taxes, the Owner will defend, indemnify, and hold harmless the Construction Manager absolutely from and against any claim, audit, investigation, cost, or assertion of any kind made by, or on behalf of, the Florida Department of Revenue or other such agency that may arise during and / or subsequent to the completion of the project. Under no circumstances shall the Construction Manager or its subcontractors be liable for the sales taxes associated with the owner purchased items.

EXHIBIT "D"

SCHEDULE

Subject to the CLARIFICATION, QUALIFICATIONS AND ASSUMPTIONS contained herein, the anticipated construction period shall be Two Hundred Seventy Two (272) calendar days to achieve Substantial Completion, after receipt, by the Construction Manager, of the following requirements:

Notice to Proceed

Preparation of building pad By Owner

Recorded Notice of Commencement

All final permitting

Final Completion shall be within thirty (30) calendar days following the Date of Substantial Completion of the Work.

A more detailed CPM Project Schedule will be provided upon acceptance of this GMP.

CHANGE ORDER
AIA DOCUMENT G701

OWNER
ARCHITECT
CONTRACTOR
FIELD
OTHER

PROJECT: Construction of Firestation No. 14
8900 Overseas Highway
Marathon, Florida 33050
(name, address)

CHANGE ORDER NUMBER: 2

DATE: 3/30/07

TO CONTRACTOR:
(name, address)
Biltmore Construction Co., Inc.
1055 Ponce de Leon Blvd.
Belleair, FL 33756

ARCHITECT'S PROJECT NO.:

CONTRACT DATE:

CONTRACT FOR: Construction of Firestation No. 14

The Contract is changed as follows:

By choosing not to purchase certain insurance as required, Owner hereby assumes all liability, both direct and contingent, and shall indemnify and hold harmless the Construction Manager and its lower tier subcontractors, for any loss, damage, or delay to the Work under this project, arising out of perils which would otherwise be insured under property insurance required by the contract documents.

Section 10.2.5, AIA 201-1997 first Sentence is amended as follows:

The Contractor shall promptly remedy damage and loss (other than damage or loss **which would otherwise have been** insured under property insurance required by the Contract Documents)

Section 11.4.1.2, AIA 201-1997, is hereby deleted.

Not valid until signed by the Owner, Architect and Contractor.

| | |
|--|----------------|
| The original (Contract Sum) (Guaranteed Maximum Price) was | \$50,000.00 |
| Net change by previously authorized Change Orders | \$6,141,000.00 |
| The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was | \$6,191,000.00 |
| The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of | \$0.00 |
| The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be | \$6,191,000.00 |

The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by

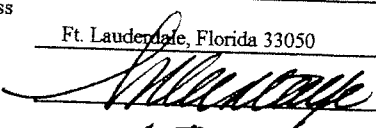
The date of Substantial Completion as of the date of this Change Order therefore is

() days
October 18, 2007

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive

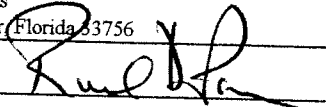
Cartaya & Associates Architects PA
ARCHITECT

3077 E. Commercial Blvd., Suite 201
Address
Ft. Lauderdale, Florida 33050

BY 
DATE 4-10-07


Biltmore Construction Co., Inc.
CONTRACTOR

1055 Ponce de Leon Blvd.
Address
Belleair Florida 33756

BY 
DATE 04/02/07

City of Marathon
OWNER

10045-55 Overseas Highway
Address
Marathon, Florida 33050

BY 
DATE 5/22/07