

**CITY OF MARATHON, FLORIDA
RESOLUTION 2008-117**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER # 2 WITH GLOBETEC CONSTRUCTION, LLC AMENDING THE CONTRACT IN THE AMOUNT OF \$361,250; WAIVING PROCUREMENT PROCEDURE FOR THE WASTEWATER WORK AT THE MARINA BATH HOUSE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon (the "City"), pursuant to Resolution 2007-98, approved a contract with Globtec Construction LLC for Service Areas 4 & 6 collection systems for wastewater on August 8, 2007 (the "Agreement"); and

WHEREAS, the City previously approved change order #1 to the Agreement in the amount of \$69,002.32 for road improvements; and

WHEREAS, the schedule for performance of work will be unchanged by this Change Order; and

WHEREAS, this Change Order allows for City of Marathon road improvements and wastewater work for the Marina Bath House in an amount of \$361,250.00; and

WHEREAS, a waiver of procurement procedure with respect to the wastewater work in connection with the City Marina Bath House is in order since that work had been previously put out for bid and the bids that were received were in excess of engineering estimates and significantly greater than the prices that Globtec can offer by virtue of the economies of scale and synergies from the wastewater work under the Agreement.

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. The City Council hereby authorizes Change Order # 2 to the contract with Globtec Construction LLC for Service Areas 4 & 6 collection systems for wastewater, a copy of which is attached hereto as "Exhibit A". In connection therewith, the City Council hereby waives the City procurement procedures with respect to the wastewater work in connection with the City Marina Bath House.

Section 3. The City Council authorizes the City Manager to execute the Change Order on behalf of the City.

Section 4. 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 August, 2008.

THE CITY OF MARATHON, FLORIDA


Edward P. Worthington, Mayor

AYES: Bull, Cinque, Tempest, Vasil, Worthington
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:


Jimmy Morales, City Attorney

Globetec Construction

4774 North Powerline Road

Deerfield Beach, FL 33073

Phone: 954-590-3305

Fax: 954-590-3307

TRANSMITTAL

No. 117

PROJECT: Marathon - Area 4 & 6 Project

DATE: 8/7/2008

TO: City of Marathon
10045-55 Overseas Highway
Marathon, FL 33050

REF: Change Order #02 - Executed
Marathon Area 4&6
Wastewater and Stormsewer
Project

ATTN: Susie Thomas

WE ARE SENDING:	SUBMITTED FOR:	ACTION TAKEN:
<input type="checkbox"/> Shop Drawings	<input type="checkbox"/> Approval	<input type="checkbox"/> Approved as Submitted
<input type="checkbox"/> Letter	<input checked="" type="checkbox"/> Your Use	<input type="checkbox"/> Approved as Noted
<input type="checkbox"/> Prints	<input checked="" type="checkbox"/> As Requested	<input type="checkbox"/> Returned After Loan
<input checked="" type="checkbox"/> Change Order	<input type="checkbox"/> Review and Comment	<input type="checkbox"/> Resubmit
<input type="checkbox"/> Plans		<input type="checkbox"/> Submit
<input type="checkbox"/> Samples	SENT VIA:	<input type="checkbox"/> Returned
<input type="checkbox"/> Specifications	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Returned for Corrections
<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Separate Cover Via: Hand Delivery	<input type="checkbox"/> Due Date:

ITEM NO.	COPIES	DATE	ITEM NUMBER	REV. NO.	DESCRIPTION	STATUS
01	02	8/7/2008			Executed Change Order # 2	CLO

CC: file
M.O.

Signed: 
Juan C Perez

CHANGE ORDER NO. 2

TO: City of Marathon

PROJECT: City of Marathon Service Area 4 Wastewater and Stormwater Project Contract dated August 8, 2007,
in the amount of \$28,916,180

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Globetec Construction LLC

DATE: August 12, 2008

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 the Contractor for all costs, expenses, overhead, and profit, and any damages 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 this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 28,916,180.00 under the Agreement will be **changed** by this Change Order, and (b) the schedule for performance of Work will be **unchanged** 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.

THE CITY OF MARATHON
a Florida municipal corporation

CONTRACTOR

By: Clyde Burnett
Name: CLYDE BURNETT
Title: CITY MANAGER

By: [Signature]
Name: Jorge Fouze
Title: Vice President

END OF SECTION

EXHIBIT A

Backup to Proposed Change Order Number 2 to the Globetec Area 4 Sewer Contract

Item No.	Description	Original Contract Amount	Additive Change	Deductive Change	Net Contract Change
1	East & West Harbour Road Bed Reconstruction	\$0.00	\$245,000.00		\$245,000.00
2	Louisa Street & 39 th Street Intersection Road Bed Repairs	\$0.00	\$3,000.00		\$3,000.00
3	City Marina Sewer Lift Station & Forcemain	\$0.00	\$113,250.00		\$113,250.00

Total Net Change Order \$361,250

Item No. Notes

- 1 East and West Harbor Road Bed Replacement: Upon commencement of sewer work in this area it was discovered that the road bed has deteriorated to porous materials that continues to subside anytime material is excavated. The installation of infrastructure in these conditions will not be possible. The proposed repair consists of a complete road bed restoration consisting of a maximum of 3,500 square yards of road bed material at \$70.00 per square yard. This repair will stabilize the road bed and allow the construction in this area to proceed (refer to GlobeTec Letter 1407/00014 dated July 22nd, 2008 attached).

- 2 Louisa Street and 39th Street Intersection Road Bed Repairs: This intersection has a large sunken area that is not acceptable to cover with new asphalt. In order to properly repair and repave this intersection and adjacent roads a maximum of 60 square yards of new road bed material at \$50.00 per yard will need to be installed. This repair will level and stabilize this intersection and provide a suitable surface for asphalt restoration (refer to GlobeTec Letter 1407/0015 dated July 22nd, 2008 attached).

- 3 City Marina Sewer Lift Station and Forcemain Installation: These items were removed from the City Marina Bath House contract with the anticipation of savings to the City through the use of a sewer construction contractor already fully mobilized and working in the City of Marathon (refer to GlobeTec Letter 1407/00013 dated July 23rd, 2008 attached).



Letter No. : 1407 / 00013
Via: email (thomass@ci.marathon.fl.us)

July 23, 2008

City of Marathon
10045-55 Overseas Highway
Marathon, FL 33050
Att.: Susie Thomas

Re: City of Marathon – Area 4 and 6 Wastewater & Stormwater Project (Revised Quote)

Subject: City's Marina Lift Station

Dear Ms. Thomas:

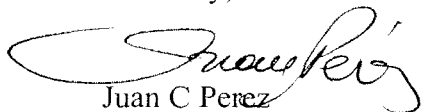
Per your request, please find attached our revised quote for the above referenced project.

Subject to a mutually satisfactory agreement, we propose to provide all labor, equipment, material and supervision required to perform and complete the 2" Force Main and Grinder Lift Station for the City Marina and the attached scope of work.

Our revised Lump Sum proposal for this work is \$113,250.00 (one hundred thirteen thousand two hundred fifty dollars and zero cents). Please refer to our attached Scope of Work / Price Quotation (Exhibit A) for further information. Additionally, it will be required a contract time extension of sixty days.

This price is extended for forty five days. If additional information is required, please do not hesitate to contact me.

Sincerely,


Juan C Perez
Project Manager

cc: file, M.O.
w/enclosure – Exhibit A



Letter No. : 1407 / 00014

Via: Hand Delivery

July 22, 2008

The Weiler Engineering Corporation
5800 Overseas Highway Suite 36
Marathon, FL 33050
Att. : Edward Castle, P.E.
Project Manager

Re: City of Marathon – Area 4 and 6 Wastewater & Stormwater Project.

Subject: 122nd Street (Harbour Blvd) – Road work reconstruction

Dear Mr. Castle:

Pursuant to your detail provided on July 14th, 2008 entitled “Area 6 Sewer and Stormwater Project 122nd Street Ocean Road Base Detail”, the following summarizes the scope of work for the segments of the Road at East Harbour Drive and West Harbour Drive that are in need of reconstruction:

- Cut and removal of existing asphalt
- Excavate approximately 24”
- Furnishing and installation of 12” Ignot Rock
- Furnishing and installation of filter fabric
- Furnishing and installation of 12” of road base material
- Furnishing and installation of 2” of Asphalt at two lifts (1-1/4” SI & 3/4” S3)

The unit price for the scope of work described above is \$70.00 per SY, for an estimated amount of 3,500SY, is as established in Contract Pay Item #39.

Please review and advise us how to proceed at your earliest convenience.

Sincerely,

Juan C Perez
Project Manager

cc: file, M.O.

GlobeTec Construction, LLC

4774 N. Powerline Road • Deerfield Beach . Florida 33073 • Phone : 954-590-3305 • Fax : 954-590-3307



Letter No. : 1407 / 00015

Via: Hand Delivery

July 22, 2008

The Weiler Engineering Corporation
5800 Overseas Highway Suite 36
Marathon, FL 33050
Att.: Edward Castle, P.E.
Project Manager

Re: City of Marathon – Area 4 and 6 Wastewater & Stormwater Project.

Subject: Louisa St. & 39th St Intersection - Roadwork reconstruction

Dear Mr. Castle:

Pursuant to the City's request, the following summarizes the scope of work required at the Intersection of Louisa Street and 39th Street roadwork reconstruction:

- Cut and Remove existing asphalt
- Excavate approximately 14"
- Preparation of sub-base
- Furnish and installation of 12" of base material
- Re-grade and compact finish rock
- Application of emulsified tack
- Furnishing and installation of 2" of Asphalt in two lifts (1-1/4" SI & 3/4" S3)

The unit price for this work is at \$50.00 SY for an estimated amount of 60 SY.

Please review and advise us how to proceed at your earliest convenience.

Sincerely,

Juan C Perez
Project Manager

cc: file, M.O.

GlobeTec Construction, LLC

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