

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2008-141**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING CITY MANAGER TO EXECUTE CHANGE ORDER # 1 TO RANDALL G. TEDDER CONSTRUCTION, INC., CONTRACT DATED JULY 8, 2008 FOR ADDITIONAL SUBSURFACE WORK IN AN AMOUNT NOT TO EXCEED FORTY-SEVEN THOUSAND DOLLARS (\$47,000); AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Marathon City Council by Resolution 2008-98 selected Randall G. Tedder Construction, Inc. for award of the Quay Boat Ramp replacement and by Resolution 2008-105 authorized the purchase of the boat ramp; and

**WHEREAS**, this change order is for additional subsurface work relative to the installation of the new Boat Ramp.

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

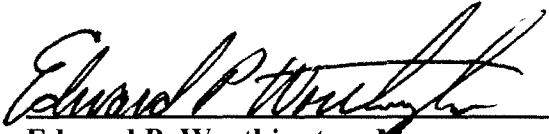
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The City Council hereby approves the change order to the contract between Randall G. Tedder Construction Inc., and the City, a copy of which is attached hereto as Exhibit "A", for the additional subsurface work in an amount not to exceed \$47,000.00, 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; and authorizes the Manager to execute change order #1.

**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 23<sup>rd</sup> day of September, 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

**EXHIBIT B**

**FORM OF CHANGE ORDER**

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**TO: City of Marathon**

**PROJECT: Remove & Replace Quay Boat Ramp**

**CONTRACTOR: Randall G. Tedder Construction, Inc.**

*Aug. 26*  
**DATE: ~~July 8, 2008~~**

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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 Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that 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. Contractor acknowledges and agrees that (a) the Contract Price of \$153,000 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.

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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

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

By: Randall G. Tedder Construction, Inc.  
Name: *Randall G. Tedder*  
Title: *PRES.*

## Exhibit "A"

### Scope of Work

Upon removal of existing boat ramp unexpected subsurface conditions of coral rock impeded the installation of the new boat ramp. No geo-technical work was performed prior to this contract being awarded.

Tedder Construction obtained pricing from several contractors and hired Coral Marine Construction to remove sufficient coral rock to install the new boat ramp in an amount not to exceed \$47,000.00.

Council by motion approved this change order at the August 26, 2008, Council meeting.