

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2008-171**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING CITY MANAGER TO ENTER INTO CHANGE ORDER NUMBER # 1 TO CONTINUING SERVICES AGREEMENT WORK AUTHORIZATION #15 APPROVED BY RESOLUTION 2006-178 FOR PLANS AND SPECIFICATIONS FOR 33<sup>RD</sup> STREET BOAT RAMP; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on November 28, 2006, the City Council of the City of Marathon (the "City") approved Resolution 2006-178 for plans and specifications for the 33<sup>rd</sup> Street Boat Ramp project in an amount not to exceed \$23,950; and

**WHEREAS**, the contract term was two years and expires on November 28, 2008; and

**WHEREAS**, the City is still awaiting issuance of the Army Corp of Engineers permit; and

**WHEREAS**, the City wishes to extend the term of the contract until such time as the Army Corp permit is issued and the work is completed.

**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 the City Manager to enter into and execute Change Order Number 1, (a copy of which is attached hereto as Exhibit "A") to Work Authorization No. Fifteen (15) with Weiler Engineering Corporation for plans and specifications for the 33<sup>rd</sup> Street Boat Ramp.

**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 10<sup>th</sup> day of November, 2008.

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
Mike Cinque, Mayor

AYES: Ramsay, Snead, Vasil, Worthington, Cinque  
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

CHANGE ORDER #1

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TO: City of Marathon

**PROJECT: 33<sup>rd</sup> Street Boat Ramp**

**ENGINEER: Weiler Engineering, Corporation**

**DATE: November 28, 2006**

**CONTRACTOR: Work Authorization # 15**

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

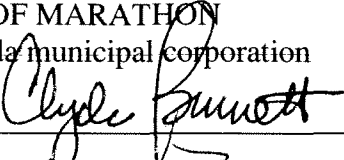
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

This Change Order constitutes full, final, and complete compensation to 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 Work under this Agreement. Weiler acknowledges and agrees that (a) the Guaranteed Maximum Price of \$23,950 under the Agreement will be unchanged by this Change Order, and (b) the schedule for performance of Work will be 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.

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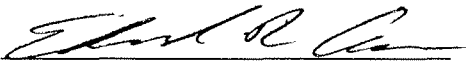
CITY OF MARATHON  
a Florida municipal corporation

By: 

Name: CLYDE BURNETT

Title: CITY MANAGER

WEILER ENGINEERING CORPORATION

By: 

Name: Edward R. Castle

Title: Vice President

## Exhibit "A"

The stated project authorization expires November 28, 2008. This Change Order will extend the project authorization until the project is complete.