

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2008-172**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER # 3 IN THE AMOUNT OF \$602,059 TO CONTRACT DATED AUGUST 8, 2007, WITH GLOBETEC CONSTRUCTION, LLC, FOR CONSTRUCTION OF SERVICE 4 & 6 WASTEWATER, STORMWATER AND WATER RE-USE IN AN AMOUNT NOT TO EXCEED \$28,916,180; AND PROVIDING AN EFFECTIVE DATE**

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

**WHEREAS**, as construction proceeds on the wastewater/Stormwater project, the City has identified improvements which will mitigate future flooding; and

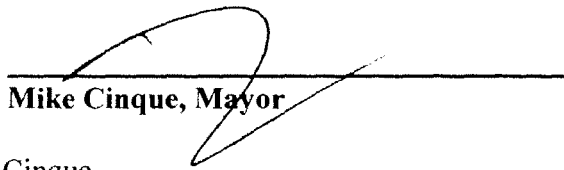
**WHEREAS**, the total for this change order is \$602,059; the cumulative offsets total \$988,470.

**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 # 3, a copy of which is attached hereto as "Exhibit A", for road improvement projects for City roads.
- 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 10th 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

**EXHIBIT "A"**  
**CHANGE ORDER**

**CHANGE ORDER NO. 3**

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**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: November 4, 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 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. \*

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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

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

By: Jorge Fonte  
Name: JORGE FONTE  
Title: VICE PRESIDENT

\* Globetec Construction execution of this Change Order is contingent upon the addition a of Contract Time Extension necessary to mitigate the associated time impacts. This Time Extension will be determined at a later date once a cpm schedule impact analysis can be finalized taken into consideration these and other previous change order work and delay items.

# EXHIBIT A

## Backup to Proposed Change Order Number 3 to the Globetec Area 4 Sewer Contract

Item No.	Description	Original Contract Amount	Additive Change	Deductive Change	Net Contract Change
1	Sombrero Boulevard Raising	\$0.00	\$317,800.00		\$317,800.00
2	West Copa D' Oro Road Raising	\$0.00	\$64,053.00		\$64,053.00
3	Avenue K Construction	\$0.00	\$217,837.00		\$217,837.00
4	Lynmeade Stormwater Modification	\$0.00	\$2,369.00		\$2,369.00

**Total Net Change Order            \$602,059.00**

- | Item No. | Notes   |
|----------|---|
| 1        | The original scope of the Area 4 Sewer and Stormwater Project included replacing the subgrade material and first layer of asphalt on Sombrero Boulevard. This item is for all work associated with raising approximately 1,450 linear feet of the Boulevard from the Sombrero Country Club clubhouse past the Sombrero Ridge Condominium and 1,650 linear feet from clubhouse past the Copa D' Oro Bridge as much as 1 foot to bring the road at least 1 foot above the seasonal high water elevation. The \$317,800 change order item includes grading of road and shoulder areas, elevating and repaving driveways within the right of way, installing trench drains and additional asphalt courses over the bridge near the clubhouse.   |
| 2        | Low road elevations on West Copa D' Oro and the nearby wetland area have led to periods of road flooding following large storm events and extreme high tides. The City directed Weiler Engineer to design a plan raise the road. The new design will raise the <del>crown of the road in the low section from the Copa D' Oro Bridge to the intersection of Santa Barbara Road</del> as much as 7.7 inches to maintain the constant elevation of 1.50 ft NAVD, over 1 foot above the seasonal high water elevation. This item includes the Contractor's cost of removing the existing asphalt, the additional limerock subgrade material, first course asphalt overlay and shoulder grading associated with the road raising. Weiler Engineering has reviewed Globetec's proposal to perform the work and recommends approval of the \$64,053 amount. |
| 3        | At the request of the City of Marathon, Weiler Engineering designed plans for the new Avenue K road. The design consists of grading, road subgrade, asphalt, striping, tapping the existing water main, providing water services for all lots, relocation of the fire hydrant, stop / street sign and sodding. The plans were given to Globetec for pricing and   |

they issued a change order request for this work in the amount of \$217,837. Our construction cost estimate for the work is \$251,062.50. We reviewed Globetec's proposal and find it reasonable and within the Engineer's Estimate.

- 4 This change order item, in the amount of \$2,369, is for the cost associated with the relocation of stormwater catch basin S-141 installed on the north side of Lynmeade Boulevard. The structure as installed currently would create access safety issues in an already steeply sloped driveway from Lynmeade Boulevard to the Cracked Conch Restaurant parking lot. This item includes relocating the structure to the property corner where it will not increase the slope of the driveway.