

Sponsored by: Puto

**CITY OF MARATHON, FLORIDA
RESOLUTION 2008-54**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING CHANGE ORDER NO. #1 TO LANZO CONSTRUCTION COMPANY CONTRACT DATED NOVEMBER 13, 2007, IN THE AMOUNT OF \$8,147,019, TO PAY AMOUNTS DUE FOR PERFORMANCE AND PAYMENT BONDS AND INSURANCE FOR SERVICE AREA #6

WHEREAS, the City of Marathon (the City) published an Invitation to Bid for Service Area 4 & 6 wastewater treatment plants, which was subsequently awarded to Lanzo Construction Co., Florida; and

WHEREAS, the bids were separated into two contracts for Service Area# 4 and Service Area #6; and

WHEREAS, Lanzo submitted a combined bid lower than each contract separately; and

WHEREAS, the notice to proceed for the Service Area #6 contract is not due until June 17, 2008.

WHEREAS, this change order allows Lanzo to be reimbursed for the bonds and insurance on Service Area #6 without issuing the Notice To Proceed on Service Area #6.

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

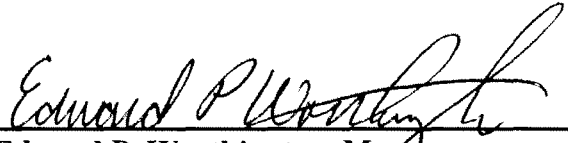
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Council approves Change Order No. #1, attached hereto as "Exhibit A" to Lanzo Construction Company contract dated November 13, 2007, in the amount of \$8,147,019, to pay amounts due for performance and payment bonds and insurance for Service Area #6.

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 25th day of March, 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

CHANGE ORDER # 1

TO: City of Marathon

PROJECT: Area 6 Wastewater Treatment Facilities

CONTRACTOR: Lanzo Construction Co., Florida

DATE: March 25, 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 Lanzo for all costs, expenses, overhead, and profit, and any damages of every kind that Lanzo may incur in connection with the above referenced changes in the contract or any other effect on any of the Construction Work under this Agreement. Lanzo acknowledges and agrees that (a) the Guaranteed Maximum Price of \$8,147,019 under the Agreement will be unchanged by this Change Order, and (b) the schedule for performance of Construction Work will be unchanged by this Change Order. Lanzo 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.

CITY OF MARATHON
a Florida municipal corporation

By: Michael H. Puto

Name: MICHAEL H. PUTO

Title: CITY MANAGER

LANZO CONSTRUCTION CO., FLORIDA

By: Matthew P. Tilli

Name: Matthew P. Tilli

Title: Vice President

Exhibit A

Article 3.1(b) The Contract No. 2 work shall be substantially completed within **Three Hundred Thirty (330)** calendar days after the date specified in the Notice to Proceed (“Substantial Completion”), and completed and ready for final payment in accordance with the Contract Documents within **Three Hundred Sixty (360)** calendar days after the date specified in the Notice to Proceed (“Final Completion”). The parties agree that the Notice to Proceed for Contract No. 2 shall be delivered by the CITY no earlier than 180 days from the date of this Agreement (unless otherwise directed by the City Council) but in no event later than 180 days after the date of issue of the Notice to Proceed for Contract No. 1.

180 days after Notice To Proceed for Contract No. 1 is June 17, 2008.

This change order authorizes payment to Lanzo for Performance and Payment Bonds for area 6 in the amount of \$70,060 and Insurance for area 6 in the amount of \$35,030 less 10% retainage to equal a payment of \$94,581; independently of the notice to proceed for Service Area 6.