

**CITY OF MARATHON, FLORIDA
RESOLUTION 2008-59**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING CHANGE ORDER # 1 TO CONTINUING SERVICES AGREEMENT WORK AUTHORIZATION #13 CONTRACT APPROVED BY RESOLUTION 2006-067 TO MAKE IMPROVEMENTS TO THE MARINA AT BOOT KEY HARBOR

WHEREAS, the City of Marathon City Council approved a two year contract which expires May 15, 2008, with Weiler Engineering to make improvements at the City marina to include a wastewater treatment plant and distribution system, site work, and a new bath and laundry facility; and

WHEREAS, subsequent federal funding has been acquired for some of the work and the small marina wastewater treatment plant has been absorbed into the Service Area 3 wastewater treatment plant on an adjacent property; and

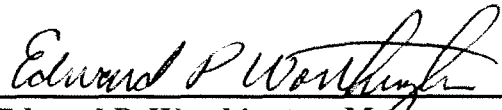
WHEREAS, this change order extends the Weiler Engineering Corporation Work Authorization #13 until completion of the project only, and the guaranteed maximum price of \$62,660 under the Agreement will be unchanged by this change order.

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 # 1, a copy of which is attached hereto as "Exhibit A", for extending the time to make improvements to the Marina at Boot Key Harbor.
- 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 8th day of April, 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: Work Authorization Thirteen for City Marina Improvements dated May 15, 2006

ENGINEER: Weiler Engineering Corporation

DATE: April 8, 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 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 Design Work or any other effect on any of the Construction Management Work under this Agreement. Weiler acknowledges and agrees that (a) the Guaranteed Maximum Price of \$62,660 under the Agreement will be unchanged by this Change Order, and (b) the schedule for performance of Design Work/Construction Management 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.

CITY OF MARATHON
a Florida municipal corporation

By: Michael H. Puto

Name: Michael H. Puto

Title: City Manager

WEILER ENGINEERING CORP.

By: Edward R. Castle

Name: EDWARD R. CASTLE

Title: VICE PRESIDENT

Exhibit "A"

Section 3

3.1 **Term** This Project Agreement shall commence on the May 15, 2006, and shall continue in full force and effect until the completion of the project. All other terms of 3.1 remain unchanged.