

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-117**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO LANZO CONSTRUCTION COMPANY CONTRACT DATED SEPTEMBER 9, 2008, IN THE ORIGINAL AMOUNT OF \$19,126,494 FOR ADDITIONAL CONSTRUCTION WORK IN SERVICE AREA 5 IN THE AMOUNT OF \$30,441.89; APPROPRIATING FUNDS FOR THE PROJECT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Marathon (The City) entered into a contract with Lanzo Construction Company for Construction of Service Area 5 Wastewater and Stormwater Project (The Project) in September of 2008; and

WHEREAS, the City has identified portions of Service Area 5 that have underground conflicts with other utilities that could not have been foreseen during design of this project; and

WHEREAS, the total for this change order is \$30,441.89.

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

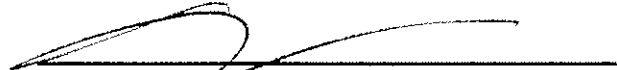
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Council approves Change Order No. #1, attached hereto as "Exhibit A" to Lanzo Construction Company contract dated September 9, 2008, in an amount not to exceed \$30,441.89

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 August, 2009.


THE CITY OF MARATHON, FLORIDA



Mayor Mike Cinque

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. 2

TO: City of Marathon

PROJECT: City of Marathon Service Area 5 Wastewater and Stormwater Project Contract dated September 9, 2008, in the amount of \$19,126,494.00.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Lanzo Construction Co.

DATE: August 14, 2009

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 \$ 19,126,494.00 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.

THE CITY OF MARATHON
a Florida municipal corporation

CONTRACTOR

By: Clyde Burnett

Name: Clyde Burnett
Title: CITY MANAGER

By: [Signature]

Name: James M. Tilli
Title: Project Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 2
Project Title Area 5 Collection System Project
Bid No. N/A
Owner: City of Marathon
Contractor: Lanzo Construction Company, Florida
Agreement Date: September 9, 2008

This Change Order is necessary to cover changes in the work to be performed under this Agreement. The GENERAL CONDITIONS, SUPPLEMENTARY CONDITIONS, and STANDARD SPECIFICATIONS apply to and govern all work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE CONTRACT DOCUMENTS:

(1)	Original Contract Price	<u>\$19,126,494.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$19,145,594.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 30,441.89</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$19,176,035.89</u>
(5)	Original Contract Time	<u>915 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>915 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>915 Days</u>
(9)	Original Contract Substantial Completion Date	<u>March 5, 2011</u>
(10)	New Contract Substantial Completion Date	<u>March 5, 2011</u>

CHANGES ORDERED

ITEM 1 – Oceanside AT&T Utility Conflicts

Street	Sanitary Sewer		Stormwater Drainage	
	Full Trench (feet)	Half Trench (feet)	Full Trench (feet)	Half Trench (feet)
64 th Street		41		
Ocean View	230			
El Pasaje		46		
65 th Court			110	
68 th Street		253		
Ocean Terrace		138		167
85 th Street		150		144
88 th Street		80		230
89 th Street	80			138
91 st Street			248	
QUANTITY	310	708	358	679
UNIT COST	\$16.67	\$8.33	\$27.78	\$13.89
TOTAL COST	\$5,167.70	\$5,897.64	\$9,945.24	\$9,431.31

CHANGE ORDER TOTAL = \$30,441.89

Description of Change: Realignment of sewer and stormwater mains on several streets on the south side of US-1. (See table above for details.) For clarification, "Half Trench" represents any excavation that originally would have disturbed the existing edge of pavement and "Full Trench" represents any excavation that originally would have been located entirely within a grassed shoulder.

Reason for Change: Due to the discovery of existing underground AT&T cables that were not provided on record drawings, the proposed sewer and stormwater mains on the streets listed above must be relocated from a grassed shoulder area to within the asphalt pavement. Weiler Engineering has reviewed the unit prices proposed by Lanzo Construction and recommends approval of the \$30,441.89 for the additional restoration costs associated with this relocation.

Change in Contract Price: \$30,441.89

Change in Contract Time: 0 Days

AREA 5 CHANGE ORDER HISTORY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Aviation Changes	\$ 19,100.00	0 Days
2	Oceanside AT&T Utility Conflicts	\$ 30,441.89	0 Days
3			
4			
5			
TOTAL		\$ 49,541.89	0 Days