

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-132**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 11 TO GLOBETEC CONSTRUCTION LLC CONTRACT DATED AUGUST 8, 2007, IN THE ORIGINAL AMOUNT OF \$28,916,180 TO EXTEND THE FINAL COMPLETION DATE FOR BOTH SERVICES AREAS 4 AND 6 AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the original contract called for 330 days to substantial completion and 360 days to final completion; and

WHEREAS, Globetec has been unable to meet this deadline due to the need to obtain an FDOT permit, which permit has just recently been issued through no fault of Globetec; and

WHEREAS, the City agrees that a change order to the Contract for a 30 day interim extension of both contracts is appropriate;

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.

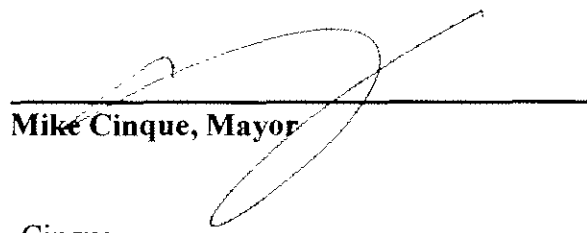
Section 2. The City Council hereby approves Change Order #11 a copy of which is attached hereto as "Exhibit A", for a 30 day interim time extension to the Contract with Globetec Construction LLC for Construction of Service Areas 4 and 6 wastewater, stormwater and water reuse project in the City of Marathon.

Section 3. The City Council hereby authorizes the City Manager to execute Change Order #11 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 September, 2009.

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:



City Attorney

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 11

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: August 31, 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 \$ 28,916,180.00 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. 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: Jorge Fonte
Name: JORGE FONTE
Title: VICE PRESIDENT

END OF SECTION

EXHIBIT A

Backup for Change Order No. 11 GlobeTec Area 4 & 6 Collection System Contract

GlobeTec Construction has requested an extension of contract time for Contract 1, Area 4 Wastewater and Stormwater Project. The Notice to Proceed for Area 4 was issued on October 1, 2007. The original contract time was 720 calendar days to Substantial Completion and 780 calendar days to Final Completion.

Weiler Engineering recommends granting an additional extension of 30 calendar days to both the Substantial Completion date and the Final Completion date as summarized below:

| AREA 4 | Days to Substantial Completion | Days to Final Completion | Substantial Completion Date | Final Completion Date |
|------------------------------------|--------------------------------|--------------------------|-----------------------------|-----------------------|
| Original Time | 720 | 780 | September 20, 2009 | November 19, 2009 |
| Revised Time: All Change Orders | 750 | 810 | October 20, 2009 | December 19, 2009 |

GlobeTec Construction has requested an extension of contract time for Contract 2, Area 6 Wastewater and Stormwater Project. The Notice to Proceed for Area 6 was issued on April 1, 2008. The original contract time was 330 calendar days to Substantial Completion and 360 calendar days to Final Completion. Change Order #5 was approved by City Council and previously granted an extension of 77 calendar days to both the Substantial Completion date and the Final Completion date. Change Order #10 was approved by City Council and previously granted an extension of 127 calendar days to both the Substantial Completion date and the Final Completion date.

Weiler Engineering recommends granting an additional extension of 30 calendar days to both the Substantial Completion date and the Final Completion date as summarized below:

| AREA 6 | Days to Substantial Completion | Days to Final Completion | Substantial Completion Date | Final Completion Date |
|------------------------------------|--------------------------------|--------------------------|-----------------------------|-----------------------|
| Original Time | 330 | 360 | February 25, 2009 | March 27, 2009 |
| Revised Time: All Change Orders | 564 | 594 | October 17, 2009 | November 16, 2009 |

Weiler Engineering recommends approval of this request in recognition of GlobeTec's efforts to accommodate the schedule and of their continued progress. This request for time extensions is being asked for in the interim in order to avoid overtaking the current substantial completion dates for each area while a reasonable time extension for Area 4 and Area 6 is negotiated with the Contractor. An additional change in Contract time will be requested in the future in order to compensate for the delayed

response from the Florida Department of Transportation concerning the review of the City's Applications for an Area 4 and Area 6 US-1 Utility Permit. The applications were provided to FDOT on April 27, 2009 and were not approved until August 21, 2009. GlobeTec Construction was unable to work on US-1 in Area 4 and Area 6 until the City obtained the required permits from FDOT.