

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-144**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO CONTRACT BETWEEN THE CITY OF MARATHON, FLORIDA AND US WATER SERVICES CORPORATION, FLORIDA DATED AUGUST 12, 2008, IN THE ORIGINAL AMOUNT OF \$190,965 TO EXTEND THE CONTRACT DATE TO NOVEMBER 30, 2009 AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 12, 2008, pursuant to Resolution 2008-118, the City approved a contract with U.S. Water Corporation for operation and maintenance of the City's wastewater treatment, collection and disposal systems (the "Agreement"); and

WHEREAS, the Agreement expires on October 1, 2009 and the City desires to execute a change order to the Agreement extending it until November 30, 2009; and

WHEREAS, the total for the contract remains at \$251,482.05, the costs will not be expended prior to October 1, 2009 when the new contract begins for operations and maintenance. The two contracts will have a 60 day overlap; and

WHEREAS, to ensure an efficient, orderly and cost efficient start up and subsequent operations of the Area 6 facilities it would be advantageous to the City to enter into a change order agreement with US Water.

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 # 2 a copy of which is attached hereto as "Exhibit A", to extend the contract date to November 30, 2009.

Section 3. The City Council hereby authorizes the City Manager to execute Change Order #2 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 22nd day of September, 2009.


THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

AYES: Ramsay, Snead, Vasil, Worthington, Cinque
NOES: None
ABSENT: None
ABSTAIN: None

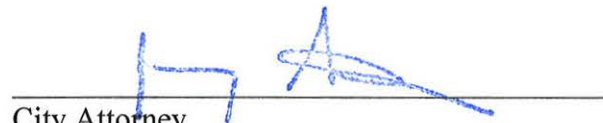
ATTEST:



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

CHANGE ORDER #2

TO: City of Marathon

**PROJECT: City of Marathon Operations and Maintenance Agreement Contract
Dated August 12, 2008**

CONTRACTOR: US Water Services Corporation, Florida

DATE: September 22, 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 US Water for all costs, expenses, overhead, and profit, and any damages of every kind that US Water 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. US Water acknowledges and agrees that (a) the Guaranteed Maximum Price of \$190,965 under the Agreement will be unchanged by this Change Order, and (b) the schedule for performance of Design Work will be changed by this Change Order. US Water 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: _____

Name: _____

Title: _____

US WATER SERVICES CORPORATION

By: _____

Name: _____

Title: _____

Clyde Burnett
CLYDE BURNETT
CITY MANAGER

V. Lewis
Victoria Lewis
Vice President

CHANGE ORDER SUMMARY

Change Order No. 2

Project Title: O & M Agreement

Owner: City of Marathon

Contractor: US Water Services Corporation, Florida

Agreement Date: August 12, 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.

Change Order # 1 approved June 23, 2009, increased the contractual amount paid on this contract by \$60,517.05, to operate the service area 6 plant when it came on line and to include start up costs for the plant.

The start up costs will not be expended prior to October 1, 2009, when U.S. Water Services Corporation, Florida, new contract begins for regular operations and maintenance.

This change order 2 will increase the time available by 60 days for start up and associated costs for the service area 6 plant from September 30, 2009, to November 30, 2009. The two contracts will have a 60 day overlap. The costs are clearly assignable.

The total for the contract remains at \$251,482.05