

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2009-146**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDERS NO. 12, 13, & 14 TO THE CONTRACT BETWEEN THE CITY OF MARATHON, FLORIDA AND GLOBETEC CONSTRUCTION LLC 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**, on August 8, 2007, pursuant to Resolution 2007-98, the City approved a contract with Globetec Construction LLC for Service Areas 4 & 6 collection systems for wastewater (the "Agreement"); and

**WHEREAS**, change order 12 is a deductive change order to the Agreement in the amount of -\$326,374.61, plus additional contract time of 125 days; and

**WHEREAS**, change order 13 is a deductive change order to the Agreement in the amount of -\$161,199.38; and

**WHEREAS**, change order 14 is a additive change order to the Agreement in the amount of \$275,190.06; and

**WHEREAS**, the City's wastewater utility engineer has recommended approval of the various change orders.

**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.

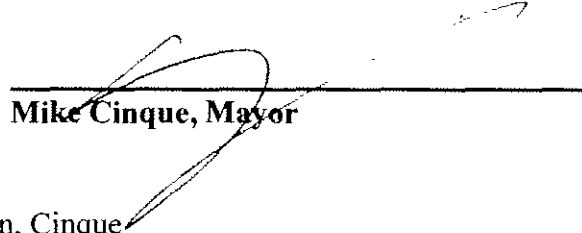
**Section 2.** The City Council hereby approves Change Orders #12, 13, and 14, a copy of which are attached hereto as "Exhibits A, B, C, and D", to extend the final completion date to the Agreement with Globetec Construction LLC for Construction of Service Areas 4 and 6 wastewater, stormwater and water reuse project in the City of Marathon.

**Section 3.** The City Council hereby authorizes the City Manager to execute the Change Orders 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 22<sup>nd</sup> day of September, 2009.

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Mike Cinque, Mayor**

AYES: Snead, Ramsay, 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. 12

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TO: City of Marathon

PROJECT: City of Marathon Service Area 4 & 6 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: September 11, 2009

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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 **changed** 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.

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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 to Proposed Change Order Number 12 to the GlobeTec Area 4 & 6 Collection System Contract

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Contract Change
1.	Area 6 US-1 Redesign	\$0.00	\$729,204.39	\$0.00	\$729,204.39
2.	Injection Well Abandonment - Avenue "D"	\$0.00	\$8,979.00	\$0.00	\$8,979.00
3.	Drainage Structure Adjustments	\$0.00	\$6,642.00	\$0.00	\$6,642.00
4.	Quantity Under-run Adjustment	\$0.00	\$0.00	-\$1,071,200.00	-\$1,071,200.00
<b>Total Net Change Order =</b>					<b>-\$326,374.61</b>

Item No.                      Notes

1. Due to the discovery of existing underground utilities that were not shown on the as-built drawings provided to Weiler Engineering prior to the design of the Area 6 Sewer Collection System, several proposed vacuum mainlines will have to be relocated. Many of these relocations require that the mainline be moved into or across the travel lanes of US-1, significantly increasing restoration costs and difficulty of installation. At the City's request, Weiler Engineering asked GlobeTec Construction to provide pricing for the costs associated with these changes. Weiler Engineering has reviewed GlobeTec's proposal and recommends approval in the amount of \$729,204.39 for this scope of work.
  
2. An existing, non-functioning 24" diameter stormwater injection well was discovered on Avenue D in Area 6 and is currently in conflict with the proposed location of a stormwater catch basin for the new stormwater system. It was determined by Weiler Engineering and the City of Marathon that the injection well should be abandoned in order to install the new system. GlobeTec Construction has provided pricing in the amount \$8,979.00 for the costs associated with abandoning this well. Weiler Engineering has reviewed GlobeTec's proposal and recommends approval.
  
3. Due to water main locations that differed from the provided as-built drawings, it was necessary to install several stormwater catch basins in Area 4 and Area 6 closer to the edge of pavement than anticipated. This change order item, with a unit cost of \$830.25 per structure, is for the costs associated with making essential adjustments to these catch basins that will facilitate proper stormwater runoff and ensure public safety along the edge of these roadways. Weiler Engineering has reviewed the pricing and recommends approval of \$6,642.00 for the modification of eight catch basins.

4. Weiler Engineering has quantified the Contract Items that have been completed to date. With the contracts for Areas 4 and 6 both past the 80% completion point, we have determined that a final balancing change order will result in a substantial deductive change in the favor of the City. These under-runs in will not be utilized for the remaining construction. The total deductive value claimed at this time for these items is \$1,071,200.00. It has been estimated that there will be additional quantity under-runs of approximately \$500,000.00, which will be verified and presented in a balancing change order at contract close-out.

In addition to the Contract price adjustments above, GlobeTec Construction has requested an extension of contract time for Contract 2, the 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. Change Order #11 was approved by City Council and previously granted an extension of 30 calendar days to both the Substantial Completion date and the Final Completion date.

Weiler Engineering recommends granting an additional extension of 125 calendar days to both the Substantial Completion date and the Final Completion date as summarized below:

<b>AREA 6</b>	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	689	719	February 19, 2010	March 21, 2010

Weiler Engineering recommends approval of this time extension request in recognition of GlobeTec's efforts to accommodate the schedule and of their continued progress. This change in Contract time is requested in order to compensate for the delayed response from the Florida Department of Transportation concerning the review of the City's Application for an Area 6 US-1 Utility Permit. The application was provided to FDOT on April 27, 2009 and the permit was not approved until August 21, 2009. GlobeTec Construction was unable to begin work on US-1 in Area 6 until the City obtained the required permit from FDOT.

**EXHIBIT "A"**  
**CHANGE ORDER**

CHANGE ORDER NO. 13

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**TO: City of Marathon**

**PROJECT: City of Marathon Service Area 4 & 6 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: September 11, 2009**

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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 **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.

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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 to Proposed Change Order Number 13 to the GlobeTec Area 4 & 6 Collection System Contract

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Contract Change
1.	Deductive Scope of Work - Avenue "K"	\$217,837.00	\$56,637.62	-\$217,837.00	-\$161,199.38
<b>Total Net Change Order =</b>					<b>-\$161,199.38</b>

Item  
No.

Notes

1. At the request of the City of Marathon, the remaining work to be performed on Avenue K, originally added to the Area 6 Contract in GlobeTec Change Order #3, has been removed from GlobeTec's Contract and put out to bid. Weiler Engineering has reviewed the "work performed" pricing compared to the "work remaining" pricing and recommends approval of the Contractor's proposal for a deductive amount of \$161,199.38.

**EXHIBIT "A"**  
**CHANGE ORDER**

**CHANGE ORDER NO. 14**

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**TO: City of Marathon**

**PROJECT: City of Marathon Service Area 4 & 6 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: September 11, 2009**

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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 **changed** 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.

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THE CITY OF MARATHON  
a Florida municipal corporation

By: Clyde Burnett  
Name: CLYDE BURNETT  
Title: CITY MANAGER

CONTRACTOR

By: [Signature]  
Name: JORGE FONTE  
Title: VICE PRESIDENT

END OF SECTION



## EXHIBIT A

### Backup to Proposed Change Order Number 14 to the GlobeTec Area 4 & 6 Collection System Contract

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Contract Change
1.	Area 3 Vacuum Main Shift to Area 4 Contract	\$0.00	\$228,794.00	\$0.00	\$228,794.00
2.	Injection Well Abandonment - Calle Ensueno	\$0.00	\$3,302.97	\$0.00	\$3,302.97
3.	Loggerhead Ln. Resident Change Modification	\$0.00	\$3,093.09	\$0.00	\$3,093.09
4.	Additional 4" Sewer Mainline - US-1 Crossing	\$0.00	\$40,000.00	\$0.00	\$40,000.00
<b>Total Net Change Order =</b>					<b>\$275,190.06</b>

Item  
No.                      Notes

1. In order to facilitate the installation of an Area 3 vacuum sewer mainline that encroaches on Area 4, the City of Marathon and Weiler Engineering agree that the sewer main in question should be installed by the Area 4 Contractor instead of the Area 3 Contractor to avoid an installation conflict between the two. This change will remove the aforementioned sewer main, and all costs associated with installation of the main, from the Area 3 Contract and shift it into the Area 4 Contract. If this change is approved, the Substantial Completion, Final Completion, and Warranty Provisions of the Area 4 Contract will apply to this portion of the Work. At the City's request, Weiler Engineering asked GlobeTec Construction to provide pricing for the costs associated with these changes. Weiler Engineering has reviewed the Contractor's proposal and recommends approval in the amount of \$228,794.00 for this scope of work.
  
2. An existing, non-functioning 16" stormwater injection well was discovered on Calle Ensueno in Area 4 and is currently in conflict with the proposed location of a stormwater catch basin for the new stormwater system. It was determined by Weiler Engineering and the City of Marathon that the injection well should be abandoned in order to install the new system. At the City's request, Weiler Engineering asked GlobeTec Construction to provide pricing for the costs associated with abandoning the well. Weiler Engineering has reviewed GlobeTec's proposal and recommends approval for the amount of \$3,302.97 for this scope of work.
  
3. In order for the contractor to install sewer modifications on Loggerhead Lane generated from a resident initiated change in Area 4, removal of a portion of the previously installed stormwater and vacuum sewer system will be necessary. At the time the resident change request was executed and paid for by the resident, it was not evident that the stormwater and

sewer system in the area would need to be disturbed. Further investigation into the scope of work has revealed that the connection will require the additional work described above. There are no unit prices in the contract for this work. A resident initiated change form can be drawn up and the additional cost charged to the property owner, or the City may elect to pay for the non-unit-price work, retaining the payment already received from the property owner for the unit-price work. Weiler Engineering has reviewed the price proposal provided by the Contractor and recommends approval of \$3,093.09 for the work related to this modification.

4. Due to the discovery of existing underground utilities that were not shown on the as-built drawings provided to Weiler Engineering prior to the design of the Area 4 Sewer Collection System, a portion of the planned sewer mainline will require relocation to the opposite side of US-1. In order to access the relocated mainline, it will be necessary to install an additional 4" pipe across the travel lanes of US-1. Weiler Engineering recommends approval of GlobeTec Construction's proposal to perform the additional work utilizing the Area 4 Contract lump sum pricing of \$40,000.00 for a US-1 Highway Crossing.

In addition to the Contract price adjustments above, GlobeTec Construction has requested an extension of contract time for Contract 1, the 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.

Change Order #11 was approved by City Council and previously granted an extension of 30 calendar days to both the Substantial Completion date and the Final Completion date.

Weiler Engineering recommends granting an additional extension of 122 calendar days to both the Substantial Completion date and the Final Completion date as summarized below:

	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	872	932	February 19, 2010	April 20, 2010

Weiler Engineering recommends approval of this time extension request in recognition of GlobeTec's efforts to accommodate the schedule and of their continued progress. This change in Contract time is requested in order to compensate for the items included in this change order and the delayed response from the Florida Department of Transportation concerning the review of the City's Application for an Area 4 US-1 Utility Permit. GlobeTec Construction was unable to begin work on US-1 in Area 4 until the City obtained the required permit from FDOT.