

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-152**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$130,704.90 TO CONTRACT DATED SEPTEMBER 9, 2008 WITH LANZO CONSTRUCTION COMPANY FOR CONSTRUCTION OF SERVICE AREA #5 COLLECTION SYSTEM PROJECT (IN THE AMOUNT OF \$19,126.494.00) 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 on September of 2008 (the "Contract"); and

WHEREAS, the City has determined that portions of Service Area 5 have roads that have an unstable road base which is unsuitable for paving; and

WHEREAS, change order 3 is an additive change order to the Contract in the amount of \$130,704.90.

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 approves Change Order No. #3, attached hereto as "Exhibit A", to the Contract with Lanzo Construction Company in an amount not to exceed \$130,704.90; and authorizes the Manager to execute the change order.

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 13th day of October, 2009.


THE CITY OF MARATHON, FLORIDA



Mayor Mike Cinque

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

ATTEST:


Hillary H. Harrison, Acting City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**


John Herrin, City Attorney

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 3

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: October 13, 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: J. M. Till
Name: James M. Till
Title: Project Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 3
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>\$19,176,035.89</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 130,704.90</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$19,306,740.79</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 – Road Reconstruction for Marlin Dr. and Shark Dr.

Item	Quantity	Unit Cost	Total
Milling of Asphalt	4630	\$6.00 / SY	\$27,780.00
Rework Existing Base	0	\$5.60 / SY	\$0.00
Add Limerock and Rework Existing Base	4630	\$10.23 / SY	\$47,364.90
1¼-inch S-1 Asphalt	4630	\$12.00 / SY	\$55,560.00

Description of Change:

Mill down the existing asphalt for portions of Marlin Drive and Shark Drive and furnish and install 1¼ inches of Type S-1 asphalt prior to the installation of Type S-3 asphalt, which is included in the Contract pricing. If necessary, limerock will be added and the road base will be re-graded and re-compacted.

Reason for Change:

The poor condition of the existing asphalt on portions of Marlin Drive and Shark Drive provides an unsuitable subgrade for asphalt overlay. The road base below the existing asphalt requires re-grading, re-compaction, and as required the addition of limerock. At the City's request, Weiler Engineering has asked the Contractor to provide a not to exceed amount for the costs associated with milling the existing asphalt, re-grading and re-compacting the road base, adding limerock material, and furnishing and installing 1¼ inches of Type S-1 asphalt.

The quantities included with this change order are for the worst case scenario for replacing the road base. If less work is required then the costs to re-pave the road would reflect the work performed. Weiler Engineering has reviewed the Contractor's proposal and recommends approval of the \$130,704.90 for this addition to the scope of work.

Change in Contract Price: \$130,704.90

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	Shark & Marlin Road Reconstruction	\$ 130,704.90	0 Days
4			
5			
TOTAL		\$ 180,246.79	0 Days