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**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-154**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 2 IN THE AMOUNT OF \$30,600.00 TO CONTRACT DATED MAY 26, 2009 WITH CONQUEST ENGINEERING GROUP COMPANY FOR CONSTRUCTION OF SERVICE AREA 3 COLLECTION SYSTEM PROJECT (IN THE AMOUNT OF \$6,343,832.00) APPROPRIATING FUNDS FOR THE PROJECT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (The City) entered into a contract with Conquest Engineering Group Company for Construction of Service Area 3 Collection System Project in May of 2009 (the "Contract"); and

WHEREAS, the City has determined that some of the roads in Service Area 3 have unstable road base which is unsuitable for paving; and

WHEREAS, Change Order No. 2 is an additive change order to the Contract in the amount of \$30,600.00, to ensure the longevity and quality of the asphalt overlay work in Service Area 3.

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. 2, to the Contract with Conquest Engineering Group Company attached hereto as "Exhibit A", in an amount not to exceed \$30,600.00; and authorizes the City 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 27th day of October, 2009.

THE CITY OF MARATHON, FLORIDA



Mayor Mike Cinque

AYES: Snead, Worthington, Ramsay, Vasil, 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. 2

TO: City of Marathon

PROJECT: City of Marathon Service Area 3 Wastewater and Stormwater Project Contract dated May 26, 2009, in the amount of \$6,342,332.00.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Conquest Engineering Group 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 \$ 6,342,332.00 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: 
Name: PETER ROSASLO
Title: ACTING CITY MANAGER

By: 
Name: Silvio Rubi
Title: Project Supervisor

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 2
Project Title Area 3 Collection System Project
Bid No. N/A
Owner: City of Marathon
Contractor: Conquest Engineering Group Co
Agreement Date: May 26, 2009

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>\$ 6,342,332.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 6,343,832.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 30,600.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 6,374,432.00</u>
(5)	Original Contract Time	<u>515 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>515 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>515 Days</u>
(9)	Original Contract Substantial Completion Date	<u>December 17, 2010</u>
(10)	New Contract Substantial Completion Date	<u>December 17, 2010</u>

CHANGES ORDERED

ITEM 1 – Road Reconstruction for Oceanview Ave.

Description of Change: The existing asphalt on Oceanview Ave. will be milled, the road base will be graded, compacted, and additional base material will be added, as necessary. Contractor shall furnish and install a 1¼-inch course of Type S-1 asphalt, followed by a 1-inch overlay of Type S-3 asphalt. (The overlay is included in the Contract Pricing).

Reason for Change: The poor quality of the existing asphalt on Oceanview Avenue is an unsuitable base for asphalt overlaying. In addition, the road base below the existing asphalt is in poor condition, requiring re-grading, re-compaction, and the addition of limerock prior to paving.

At the City’s request, Weiler Engineering has asked the Contractor to provide unit pricing for the costs associated with the removal of 1,700 square yards of the existing asphalt, re-grading the road base and providing additional limerock base material, compacting, and furnishing and installing a 1¼ inch course of Type S-1 asphalt. The amount reflected in this scope of work is on a not to exceed basis. Weiler Engineering has reviewed the Contractor’s unit price proposal of \$18.00/SY and recommends approval of the \$30,600.00 for this scope of work.

Change in Contract Price: \$30,600.00

Change in Contract Time: 0 Days

AREA 3 CHANGE ORDER HISTORY

No.	Description	Change in Contract Price	Change in Contract Time
1	Relocation of Construction Trailer	\$ 1,500.00	0 Days
2	Road Reconstruction – Oceanview Ave.	\$ 30,600.00	0 Days
3			
4			
5			
TOTAL		\$ 32,100.00	0 Days