

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-171**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 7 TO CONTRACT DATED NOVEMBER 13, 2007 WITH LANZO CONSTRUCTION COMPANY FOR CONSTRUCTION OF SERVICE AREAS 4 & 6 WASTEWATER FACILITIES (IN THE AMOUNT OF \$4,644,213.00), GRANTING AN ADDITIONAL 40 CALENDAR DAYS TO COMPLETE THE PROJECT; AUTHORIZING CITY MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") entered into a contract with Lanzo Construction Company ("Lanzo") for Construction of Service Areas 4 & 6 Wastewater Facilities in November of 2007 (the "Contract"); and

WHEREAS, Lanzo has experienced delays in scheduling the start up activities with equipment suppliers and has requested additional time for completion of the Area 4 Wastewater Facility; and

WHEREAS, Change Order No. 7 is change order for additional time to the Final Completion Date of the Contract.

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 No. 7, to the Contract with Lanzo attached hereto as "Exhibit A," granting an additional 40 calendar days to complete the Area 4 Wastewater Facility; and authorizing the Acting City Manager to execute Change Order No. 7.

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 10th day of November, 2009.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

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

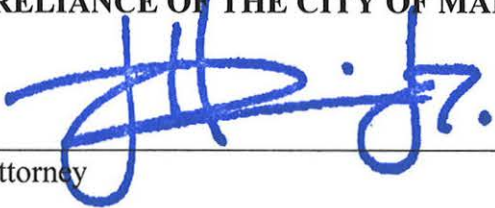
ATTEST:



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 NO. 7

TO: City of Marathon

PROJECT: City of Marathon Service Area 4 WWTP Project Contract Dated November 13, 2009

CONTRACTOR: Lanzo Construction Company, Florida

DATE: _____

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.

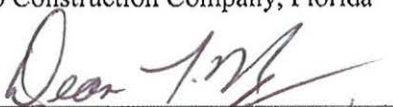
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Current Contract Price of \$ 4,679,101.94 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

By: 
Name: PETER ROSASCO
Title: CITY MANAGER

CONTRACTOR
Lanzo Construction Company, Florida

By: 
Name: Dean T. Naylor
Title: Proj. Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 7
Project Title Area 4 WWTP Project
Bid No. N/A
Owner: City of Marathon
Contractor: Lanzo Construction Company, Florida
Agreement Date: November 13, 2007

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>\$4,644,213.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$4,679,101.94</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 0.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$4,679,101.94</u>
(5)	Original Contract Time	<u> 780 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u> 780 Days</u>
(7)	Total Proposed Change in Contract Time	<u> 40 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u> 820 Days</u>
(9)	Original Contract Substantial Completion Date	<u>November 17, 2009</u>
(10)	New Contract Substantial Completion Date	<u>February 15, 2010</u>
(11)	Original Contract Final Completion Date	<u>February 5, 2010</u>
(12)	New Contract Final Completion Date	<u>March 17, 2010</u>