

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-180**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE CITY OF MARATHON, FLORIDA AND CONQUEST ENGINEERING GROUP COMPANY. TO EXTEND THE SUBSTANTIAL COMPLETION AND FINAL COMPLETION DATES OF THE LA PALMA ACCESS ROAD CONSTRUCTION PROJECT; AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on July 14, 2009, pursuant to Resolution 2009-83, the City approved a contract with Conquest Engineering Group Company (“Conquest”) for the La Palma access road and utilities construction project (the “Project”); and

WHEREAS, due to permitting delays, Conquest has requested this change order for a nineteen (19) day time extension to the Project’s substantial completion date. The final completion date is extended fourteen (14) days to January 22, 2010; and

WHEREAS, change order 1 extends the Project’s substantial completion and final completion dates.

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.

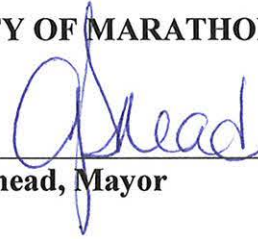
Section 2. The City Council hereby approves Change Order #1, a copy of which is attached hereto as “Exhibit A,” to extend the substantial and final completion dates of the Project.

Section 3. The City Council hereby authorizes the Acting City Manager to execute the Change Order 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 24th day of November, 2009.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

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

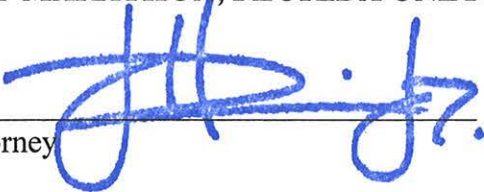
ATTEST:



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 # 1

TO: City of Marathon

PROJECT: LaPalma Access Road contracted dated July 30, 2009

ENGINEER: Weiler Engineering

CONTRACTOR: Conquest Engineering Group Company

DATE: November 24, 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 Conquest for all costs, expenses, overhead, and profit, and any damages of every kind that Conquest may incur in connection with the above referenced changes in the Design Work or any other effect on any of the Construction Work under this Agreement. Conquest acknowledges and agrees that (a) the Guaranteed Maximum Price of \$199,674 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. Conquest 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: Peter Rosasco

Name: [Signature]

Title: Acting City Manager

CONQUEST ENGINEERING GROUP
COMPANY.

By: [Signature]

Name: Ricardo Guzman

Title: PRESIDENT

Exhibit "A"

The noticed to proceed on the contract was issued on August 31, 2009. There was a delay in the return of the submitted shop drawings, and slight realignment of the end of the road. As a result, the contractor requested an additional nineteen (19) days for Substantial Completion to December 29, 2009. The Final Completion date is extended 14 days to January 22, 2010.