

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-182**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 16 TO CONTRACT DATED AUGUST 8, 2007 WITH GLOBETEC CONSTRUCTION, LLC FOR CONSTRUCTION OF SERVICE AREA 4 & 6 WASTEWATER AND STORMWATER PROJECT (IN THE AMOUNT OF \$28,916,180.00), INCREASING THE CONTRACT PAYMENT IN AN AMOUNT NOT TO EXCEED \$13,500; APPROPRIATING FUNDS; AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY AND EXPEND THE APPROPRIATED FUNDS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in August of 2007 the City of Marathon (“City”) entered into a contract with Globetec Construction, LLC (“Globetec”) for Construction of Service Areas 4 & 6 Wastewater and Stormwater Project (“Contract”); and

WHEREAS, the poor condition of the existing asphalt on 51st and 52nd Streets requires that certain areas be repaired prior overlay of these roadways; and

WHEREAS, Change Order No. 16 is an additive change order to the Contract, in the amount of \$13,500.00, for the proposed additional work that will be required as a result of the needed repairs including an additional three calendar days to ensure timely completion of the project.

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. Change Order No. 16, to the Contract between the City and Globetec in an amount not to exceed \$13,500.00 and granting an additional 3 calendar days to complete the project, a copy of which is attached hereto as “Exhibit A”, together with such non-material changes as may be acceptable to the Acting City Manager and approved as to form and legality by the City Attorney is hereby approved. The City Council hereby appropriates funds for this change order from the City’s Street Maintenance Reserve Fund, and The Acting City Manager is authorized to execute the change order on behalf of the City and expend the appropriated funds.

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 8th day of December, 2009.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

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

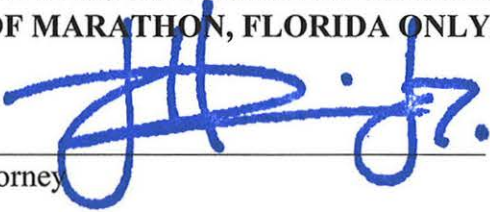
ATTEST:



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

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 16

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: December 8, 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 \$ 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.

THE CITY OF MARATHON
a Florida municipal corporation

CONTRACTOR

By: 
Name: Peter Rossini
Title: City Manager

By: 
Name: JOPPE FONTE
Title: VICE PRESIDENT

Dec/23/2009

END OF SECTION

EXHIBIT A

Backup to Proposed Change Order Number 16 to the GlobeTec Area 4 & 6 Collection System Contract

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Contract Change
1.	Existing Asphalt Repairs - Area 4	\$0.00	\$13,500.00	\$0.00	\$13,500.00
Total Net Change Order =					\$13,500.00

Item Narrative

1. 51st Street and 52nd Street Service Area 4 have suffered age-related damage such as cracked asphalt edges, potholes, and collapsing asphalt patches over water pipe trenches. In order to repair this damage, the Contractor will be required to either add additional layers of asphalt overlay or to completely remove the damaged asphalt, re-compact the base material to provide a solid foundation, and add a structural layer of asphalt prior to the final asphalt overlay. As requested by the City, Weiler Engineering has reviewed the pricing for the repair of these damaged roads and recommends approval for the amount of \$13,500.00 for this scope of work.

In addition to the Contract price adjustment above, GlobeTec Construction has requested an extension of contract time of **3 DAYS** for Contract 1, the Area 4 Wastewater and Stormwater Project in order to conduct the work listed above.

AREA 4	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	875	935	February 22, 2010	April 23, 2010