

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-38**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER # 4 IN THE AMOUNT OF \$247,730.12 TO CONTRACT DATED AUGUST 8, 2007, WITH GLOBETEC CONSTRUCTION, LLC, FOR CONSTRUCTION OF SERVICE AREA 4 & 6 WASTEWATER, STORMWATER AND WATER RE-USE (IN AN AMOUNT NOT TO EXCEED \$28,916,180) APPROPRIATING FUNDS FOR THE PROJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Marathon City Council, pursuant to Resolution 2007-98, approved a contract with Globtec Construction LLC for Service Area 4 & 6 collection systems for wastewater on August 8, 2007 (the "Agreement"); and

WHEREAS, as construction proceeds on the wastewater/Stormwater project, the City has identified improvements which will mitigate future flooding; and

WHEREAS, the total for this change order is \$247,730.12.

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.

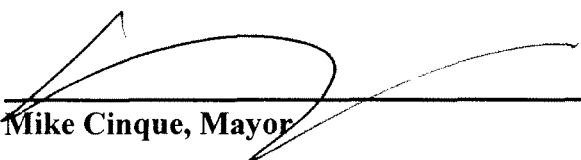
Section 2. The City Council hereby authorizes Change Order # 4, a copy of which is attached hereto as "Exhibit A", for road improvement projects for City roads.

Section 3. The City Council authorizes the 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 10th day of March, 2009.

THE CITY OF MARATHON, FLORIDA


Mike Cinque, Mayor

AYES: Ramsay, Snead, Vasil, Worthington, 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:**



Jimmy Morales, City Attorney

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 4

TO: City of Marathon

PROJECT: City of Marathon Service Area 4 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: February 26, 2009

This Change Order will authorize the following change to the Agreement:

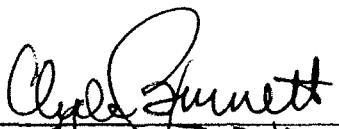
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.


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: CLYDE BURNETT
Title: CITY MANAGER

By: 
Name: Jorge Fonte
Title: Vice President

END OF SECTION

EXHIBIT A

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

Item No.	Description	Original Contract Amount	Additive Change	Deductive Change	Net Contract Change
1	Avenida Primiceria Road Raising	\$0.00	\$54,320.00	-	\$54,320.00
2	Camino Del Vientos Road Replacement	\$0.00	\$69,123.54	-	\$69,123.54
3	Boulevard De Palmas Road Replacement	\$0.00	\$7,995.00	-	\$7,995.00
4	Avenue H Road Replacement	\$0.00	\$116,291.58	-	\$116,291.58

Total Net Change Order \$247,730.12*

Item No.	Notes
1	<p>Low road elevations on Avenida Primiceria and the nearby wetland area have led to extended periods of road flooding following large storm events and extreme high tides. The City of Marathon directed Weiler Engineer to design a plan to raise the road. The new design will raise the crown of the road in a 390-ft road segment as much as 13 inches to maintain the constant crown elevation of 2.00 ft NAVD, over 1.5 feet above the seasonal high water elevation. The road raising plan is conducive to the existing stormwater plans for this area. This item includes the Contractor's cost of removing the existing asphalt, the additional limerock sub-grade material, first 1 ¼-inch course of S-1 asphalt, second ¾-inch course of S-3 and shoulder grading. The work also includes raising four driveways and replacing asphalt aprons. Weiler Engineering has reviewed Globetec's proposal and recommends approval of the \$54,320.00 for this scope of work.</p>
2	<p>The poor quality of the existing asphalt on Camino del Vientos is an unsuitable base for asphalt overlaying. At the City's request, Weiler Engineering asked Globetec to provide pricing for the cost associated with the removal of the existing asphalt, installation of additional base material as needed, compaction of the base, a first 1 1/4-inch course of S-1 asphalt and a ¾-inch S-3 overlay for an 850 linear foot section of roadway. Weiler Engineering has reviewed the unit prices and recommends approval of this scope of work for the amount of \$69,123.54.</p>
3	<p>This change order item, in the amount of \$7,995.00, is for the cost associated with the repair of a dip in Bulevar de Palmas. The work includes the removal of approximately 30 linear feet of asphalt, the removal of approximately 1 foot of road base, the installation of</p>

suitable road base consistent with elevations of the undisturbed pavement and providing a first course of S-1 asphalt prior to the final overlay included in the Area 4 Collection System Contract. Weiler has reviewed the pricing and recommends approval.

- 4 Similar to Camino del Vientos, the poor quality of the existing asphalt on Avenue H is an unsuitable base for asphalt overlaying. At the City's request, Weiler Engineering asked Globetec to provide pricing for the cost associated with the removal of the existing asphalt, installation of additional base material as needed, compaction of the base, a first 1 1/4-inch course of S-1 asphalt and a 3/4-inch S-3 overlay for a 1400 linear foot section of roadway. Weiler Engineering has reviewed the unit prices and recommends approval of the work for the amount of \$116,291.58 for this scope of work.

*Globetec Construction's execution of this change order is contingent upon the addition of a contract time extension necessary to mitigate the associated time impacts. This time extension will be determined at a later date once a CPM schedule impact analysis can be finalized which takes into consideration these and other previous change order work and delay items.