

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-39**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER # 1 IN THE AMOUNT OF \$69,298.55 TO CONTRACT DATED FEBRUARY 12, 2008, WITH CORAL MARINE CONSTRUCTION, LLC, FOR BOAT RAMP IMPROVEMENTS AT THE 33RD STREET BOAT RAMP (IN AN AMOUNT NOT TO EXCEED \$992,901) APPROPRIATING FUNDS FOR THE PROJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the “City”) has undertaken a project consisting of a boat ramp, seawall, dock, drainage and parking lot repair and refurbish of public restrooms for the 33rd Street Boat Ramp (the “Project”); and

WHEREAS, the City contracted with Coral Marine Construction, LLC (the “Contractor”) to perform the work for the Project; and

WHEREAS, as construction progresses on the Project, some changes have become necessary to keep the quality of the repairs consistent and safe for visitors and residents use; and

WHEREAS, these amenities are vital to visitors and residents of the City and the new facility will meet the increased needs of the City; and

WHEREAS, it is necessary to amend the contract with the Contractor to include this additional work;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, that:

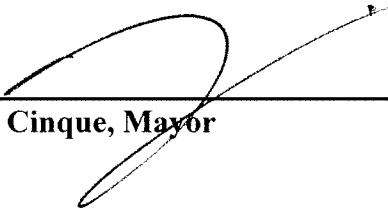
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council authorizes the City Manager to execute Change Order #1 to Contract dated February 12, 2008 with Coral Marine Construction, LLC, a copy of which is attached as exhibit A, on behalf of the City, for improvements to the 33rd Street Boat Ramp Project. The City Council hereby appropriates funds in the amount of \$69,298.55 for this 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 31st day of March, 2009.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

AYES: Ramsay, Worthington, Snead, Cinque
NOES: Vasil
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. 1

TO: City of Marathon

PROJECT: City of Marathon 33rd Street Boat Ramp Project, Contract dated February 12, 2008, in the amount of \$992,901.00

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Coral Marina Construction, LLC

DATE: March 16, 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 \$ 992,901.00 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: Clyde Burnett
Name: CLYDE BURNETT
Title: CITY MANAGER

By: [Signature]
Name: GISELINA METZ
Title: MEMBER

END OF SECTION

EXHIBIT A

Backup to Proposed Change Order Number 1 to the CMC 33rd Street Boat Ramp Project

Item No.	Description	Original Contract Amount	Additive Change	Deductive Change	Net Contract Change
1	Stormwater Management System Changes	\$0.00	\$17,960.55	-	\$17,960.55
2	Bathroom Roof Replacement	\$0.00	\$9,780.00	-	\$9,780.00
3	Dock Replacement	\$0.00	\$36,550.00	-	\$36,550.00
4	Gravity Sewer Line	\$0.00	\$6,840.00	-	\$6,840.00
5	Site Changes (Credits)	\$1,832.00	\$0.00	\$1,832.00	-\$1,832.00

Total Net Change Order \$69,298.55

Item No.	Notes
1	From the permitting process through the Florida Department of Environmental Protection, changes in the stormwater management system were required. The changes include, the modification in the design for the well control structure, the addition of an excavated retention area with a geotextile slope stabilization material, and an extension of the designed trench drain. Weiler Engineering requested pricing from CMC for these changes and recommends approval in the agreed upon amount of \$17,960.55.
2	While restoring the shell of the existing bathroom building, it was discovered that the roof system was in need of replacement. The City requested a price from the Contractor for the costs involve with replacing the entire roof system including the trusses, straps, and roof decking. Weiler Engineering has reviewed the requested \$9,780 amount and recommends approval of this amount for this scope of work.
3	The original Contract required the restoration of the concrete dock located on the north side of the boat ramp. After removing the adjacent seawall, the exposed section of the dock showed severe rebar spalling it was determined that the dock was beyond repair. The City requested pricing for the additive costs associated with removing the existing dock and piles and constructing a new composite dock in its place in lieu of restoring the existing dock. Weiler Engineering has reviewing the pricing for this work and recommends approval of the \$36,550 amount.



- 4 The existing bathroom facility on site flows into an existing septic tank. The septic tank will continue to be used until the Area 3 Collection System is built and the Area 3 Wastewater Treatment Plant becomes online at which point the bathroom will be required to be connected into the system. This change order item includes the work required to run a 4-inch lateral with a cleanout to the property line where the Area 3 project ends. The added cost now will reduce the cost later to hook up the bathroom and restore the area a second time. Weiler Engineering and the City are in agreement that the Contractor's cost of \$6,840 is a fair price for this scope of work.

- 5 This item includes deductive cost changes made in between the bid time and the notice to proceed. These changes include the elimination of 2 small concrete handicap ramps, the elimination of replacing one toilet and one toilet paper dispenser in the bathroom facility, and the removal rather than replacement of the toilet partitions. Weiler Engineering has reviewed the credits for these items and recommends acceptance of the \$1,832 credit.

