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**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-47**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER # 6 IN THE AMOUNT OF \$24,068.52, TO CONTRACT DATED AUGUST 8, 2007, WITH GLOBETEC CONSTRUCTION, LLC, FOR CONSTRUCTION OF SERVICE AREAS 4 & 6 WASTEWATER, STORMWATER AND WATER RE-USE COLLECTION SYSTEMS (IN AN AMOUNT NOT TO EXCEED \$28,916,180); APPROPRIATING FUNDS FOR THE PROJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon (the "City"), pursuant to Resolution 2007-98, approved a contract with Globtec Construction LLC for Service Areas 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 that will result in a good final road product; and

WHEREAS, the total cost for this change order is \$24,068.52;

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.

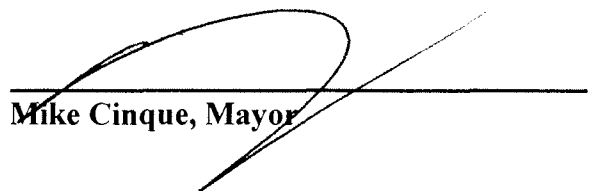
Section 2. The City Council hereby authorizes Change Order # 6, a copy of which is attached hereto as "Exhibit A", in an amount of \$24,068.52 for Construction of Service Areas 4 and 6 wastewater, stormwater and water reuse projects in the City of Marathon.

Section 3. The City Council hereby authorizes the City Manager to execute Change Order #6 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 12th day of May, 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:**



City Attorney

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 6

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: May 4, 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.

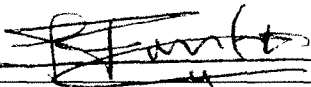
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under 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 **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: 
Name: CLYDE BURNETT
Title: CITY MANAGER

By: 
Name: JORGE FONTE
Title: VICE PRESIDENT

END OF SECTION

EXHIBIT A

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

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Contract Change
1.	Sombrero Blvd. Equalization Pipe Removal	\$0.00	\$5,350.50	\$0.00	\$5,350.50
2.	Sombrero Blvd. Road Bed Replacement (GeoTextile)	\$30,015.00	\$30,141.86	-\$30,015.00	\$126.86
3.	Drainage Structure Adjustments	\$0.00	\$1,537.50	\$0.00	\$1,537.50
4.	Milling and Resurfacing of Sombrero Blvd.	\$215,640.00	\$175,351.26	-\$215,640.00	-\$40,288.74
5.	Milling and Resurfacing of Corte Chica and Corte de Luna	\$0.00	\$35,568.63	\$0.00	\$35,568.63
6.	Milling and Resurfacing of Calzada de Bougainvilla	\$0.00	\$18,698.77	\$0.00	\$18,698.77
7.	Additional Concrete Curb on 2nd Avenue	\$0.00	\$3,075.00	\$0.00	\$3,075.00
Total Net Change Order =					\$24,068.52

Item
No.

Notes

1. A damaged equalization pipe was discovered under Sombrero Blvd. and it was determined by the City of Marathon that the structure should be removed to prevent future damage to the proposed asphalt roadway. At the City's request, Weiler Engineering asked GlobeTec Construction to provide pricing for the costs associated with excavating, removing, and disposing of the existing pipe under the roadway, plugging the remaining pipe ends in the City Right-of-Way, and backfilling and compacting the excavated area. Weiler Engineering has reviewed GlobeTec's proposal and recommends approval for the amount of \$5,350.50 for this scope of work.

2. A 300 ft. section of road base on Sombrero Blvd. near the intersection of Copa d'Oro was found to be in need of additional stabilization prior to asphalt paving. This will ensure structural integrity during the transition from the "Road Raising" area of Sombrero Blvd. to the "Type B Road Bed Replacement" area of Sombrero Blvd. The City of Marathon directed Weiler Engineering to provide a method to improve the road base, and Weiler Engineering responded with a design that integrates a woven geotextile cloth that prevents the movement of fine granular material during water table fluctuations. The Contractor's cost of \$30,141.86 for the improved design will include removal of 6 in. of the existing base material, proof

rolling the existing sub-base, placement of a single layer of Mirafi HP 570 geotextile fabric, and replacement and compaction of the base material. This procedure will replace the Type B Road Bed Replacement that was previously planned for this area at a unit price of \$45.00 per square yard (per Change Order #1) which, for the 667 square yards for this scope of work, will result in a deductive change of \$30,015.00. Weiler Engineering has reviewed the unit prices for this procedure and recommends approval of this scope of work for the balanced amount of \$126.86.

3. Due to water main locations that differed from the provided as-built drawings, it was necessary to install Stormwater Catch Basin S-18 on Ave. E in Area 6 and Well Control Structure S-27 on Ocotillo Ln. closer to the edge of pavement than anticipated. This change order item, in the amount of \$1,537.50, is for the costs associated with making essential adjustments that will facilitate proper stormwater runoff and ensure public safety along the edge of these roadways. The work includes saw-cutting and grinding down the existing concrete, application of a bonding agent, drilling holes into existing concrete and installing epoxy-bonded reinforced steel bars, and forming, placing, and finishing new concrete. Weiler Engineering has reviewed the pricing and recommends approval.
4. In order to minimize the possibility of disturbing and damaging the delicate road base of the portion of Sombrero Blvd. from approximately Dockside Bar and Grill to Cobia Point Condominiums, a decision was made by the City of Marathon and Weiler Engineering to mill and resurface the existing pavement at a total cost of \$175,351.26 instead of excavating and re-working the road base, as previously planned. By substituting this method for the Type B Road Bed Reconstruction, a deductive change of \$215,640.00 occurs at a unit cost of \$45.00 per square yard (per Change Order #1) for the 4,792 square yards included in this scope of work. The Contractor's costs for this work will result in a \$40,288.74 deductive change from the current costs.
5. Corte Chica and Corte de Luna are currently paved with a base material that is structurally unsuitable for supporting an asphalt overlay. It was determined that the best solution would be to remove the existing road prior to asphalt paving. At the City's request, Weiler Engineering asked GlobeTec to provide pricing for the costs associated with the milling and resurfacing of the existing pavement for both roads. Weiler Engineering has reviewed the unit prices and recommends approval of the work for the amount of \$35,568.63 for this scope of work.
6. The poor quality of the existing asphalt on a portion of Calzada de Bougainvillea is an unsuitable base for asphalt overlaying. At the City's request, Weiler Engineering asked the Contractor to provide pricing for the costs associated with the removal of the existing asphalt and furnishing and installing a 1¼ inch course of S-1 asphalt over an area of 511 square yards of roadway. Weiler Engineering has reviewed the Contractor's proposal and recommends approval of the \$18,698.77 for this scope of work.
7. The existing curb along the back of 2nd Ave, off of 120th St. Gulfside, is not long enough to properly direct stormwater into the newly installed stormwater system. At the City's direction, a solution to the problem was provided by Weiler Engineering in the form of extending the curb an additional 20 linear feet. GlobeTec's cost for the additional 20 linear feet of concrete curb is \$3,075.00. Weiler Engineering has reviewed the pricing and recommends approval.