

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-58**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER #8 IN THE AMOUNT OF \$649,632.20 TO CONTRACT DATED AUGUST 8, 2007 WITH GLOBETEC CONSTRUCTION LLC FOR CONSTRUCTION OF SERVICE AREA 4 & 6 COLLECTION SYSTEM CONTRACT (IN AN AMOUNT NOT TO EXCEED \$28,916,180.00) 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 \$649,632.20;

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.

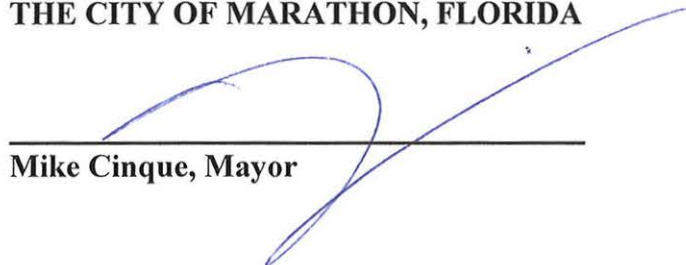
Section 2. The City Council hereby authorizes Change Order #8, a copy of which is attached hereto as "Exhibit A", in an amount of \$649,632.20 for Construction of Service Areas 4 and 6 wastewater, stormwater and water reuse projects in the City of Marathon.

Section 3. The City Council hereby authorizes the City Manager to execute Change Order #8 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 26th day of May, 2009.

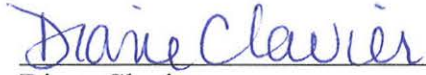
THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

AYES: Snead, Worthington, Ramsay, Vasil, 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

CHANGE ORDER NO. 8

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 19, 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: Clyde Burnett
Name: CLYDE BURNETT
Title: CITY MANAGER

By: [Signature]
Name: JORGE FONTE
Title: VICE PRESIDENT

END OF SECTION

EXHIBIT A

Backup to Proposed Change Order Number 8 to the Globetec Area 4 & 6 Collection System Contract

Changes to Sombrero Boulevard Road Reconstruction

Item #	Description	Unit Cost	Current Contract		Change Order # 8		NET CHANGE	
			Quantity	Total	Quantity	Total	Quantity	Total
1	TYPE A	\$70.00	11978	\$838,460.00	9353	\$654,710.00	-2,625	-\$183,750.00
2	TYPE B	\$45.00	11897	\$535,365.00	3445	\$155,025.00	-8,452	-\$380,340.00
	(TYPE B CREDIT)	-\$25.00	17356	-\$433,900.00				
3	MILL & RESURFACE 1	\$36.59	4792	\$175,351.26	4792	\$175,351.26	0	\$0.00
4	MILL & RESURFACE 2	\$32.45	0	\$0.00	573	\$18,593.85	573	\$18,593.85
5	6" MIRAFL SUBGRADE	\$45.19	667	\$30,141.86	667	\$30,141.86	0	\$0.00
6	TYPE A-	\$67.00	0	\$0.00	3258	\$218,286.00	3,258	\$218,286.00
7	TYPE C	\$53.73	0	\$0.00	2163	\$116,217.99	2,163	\$116,217.99
8	MILL & ASPHALT RAISE	\$60.74	0	\$0.00	564	\$34,257.36	564	\$34,257.36
9	TYPE B CONVERTED TO TYPE A	\$101.50	0	\$0.00	2778	\$281,967.00	2,778	\$281,967.00
			\$1,145,418.12		\$1,684,550.32		\$539,132.20	

Sombrero Boulevard Bike Path Overlay

Item #	Description	Unit Cost	Current Contract		Change Order # 8		NET CHANGE	
			Quantity	Total	Quantity	Total	Quantity	Total
10	OVERLAY NEW BIKE PATH	\$13.00	0	\$0.00	8500	\$110,500.00	8,500	\$110,500.00
							\$649,632.20	

TOTAL NET CHANGE ORDER

\$649,632.20

Items 1 – 9

The original bid amount for the Sombrero Boulevard road reconstruction was \$1,505,000. There was an oversight on the area to be reconstructed resulting in roughly 7,834 square yards being omitted from the total quantity. With the correct quantity, the total cost for the road reconstruction using the original restoration method should have been \$1,864,333.00. The original \$1,505,000 contract amount was reduced to \$1,145,418.12 by Change Orders 1 and 6, but did not incorporate the additive change due to the excluded original contract quantity. The total road reconstruction cost as shown in this change order (not including the requested bike path overlay) for all of Sombrero Boulevard totals \$1,684,550.32 which exceeds the original bid amount by \$179,550.32, but is \$179,782.68 less than the corrected original bid amount using the actual quantity. Weiler Engineering recommends approval of the \$539,132.20 balancing change.

The above table does not include the \$317,800.00 lump sum for the road raising included in Change Order #3 which will remain unaffected as a result of this cost adjustment. The specific changes in restoration methods are as follows.

Item No.	Notes
1	Change Order #1 divided Sombrero Boulevard into 2 types of road restoration. The areas with the most unsuitable sub-grade conditions were to be reconstructed using a 2 foot roadbed replacement known as Type A road reconstruction. During exposure of the sub grade, additional areas that needed stabilization were discovered and added to the original 11,978 square yards of Type A. Conversely, other Type A areas were determined to be better suited for other road reconstruction methods. These changes resulted in a reduction in the total Type A quantity of 2,625 square yards.
2	The other restoration type included in Change Order #1, known as Type B, involved only a one foot roadbed replacement. After the contractor installed an initial section of Type B restoration and both disturbed and undisturbed areas were tested, a decision was made to reduce the remaining Type B road restoration in favor of one of the more reasonable and cost effective restoration methods listed below.
3	In many Type B areas, the additional one foot of replaced limerock did not provide the level of increased stabilization anticipated. Milling, grading, and replacement of the existing asphalt in the remaining Type B areas was determined to be a more cost effective means of reconstruction, with a reduction in the unit cost of approximately 20% from the original Type B unit cost of \$45.00 per square yard. This work has been performed and was included in Change Order #6.
4	Due to a reduction in the contractor's pricing after the execution of Change Order # 6, the cost per square yard for milling, grading, and replacement of the existing asphalt was reduced further, resulting in an approximately 30% savings from the original \$45.00 per square yard amount for the 573 yards included in this change order.

- 5 A 300 foot section of road base on Sombrero Boulevard near the intersection of Copa d'Oro, at the transition between different types of road reconstruction and at the beginning of a road raising section, was found to be in need of additional stabilization prior to asphalt paving. The geotextile fabric here was needed to ensure structural integrity in this transition zone. This work has been performed and was included in Change Order #6.
- 6 An approximately 1,450 linear foot road section near the Dockside Lounge was originally to be constructed using the Type B method. Following road base testing, it was determined that this area would need full Type A repair. Furthermore, this road section is in a low lying area which will be raised as part of Change Order #3. What is termed Type A- is the result of the combination of Type A restoration and road raising. The reduction from the \$70 per square yard Type A cost is due to the savings associated with a decrease in the depth of excavation prior to the installation of the 2 feet of new road sub grade and a decrease in material hauling volume.
- 7 After the acceptance of the design to raise the road to avoid stormwater flooding issues, it was determined that the previously designed Type A and B restorations in some areas were not necessary. In these areas, a more effective approach is to remove the existing asphalt and add limerock as necessary to reach the required grade before asphalt paving. The \$53.73 per square yard cost is an increase in the Type B cost due to the addition of new limerock material rather than the reuse and replacement. In the Type A areas this revised scope of work is a reduction because of the elimination of the second 1 foot layer of road sub grade.
- 8 The portion of Sombrero Boulevard at the equalization pipe crossing near the country club is to be raised using 4 ½ inches of asphalt as part of the road raising in Change Order #3. At the time, the directive was to perform the Type A restoration prior to the installation of 3 courses of asphalt. Similar to the other road raising sections in this area, it was determined that the Type A restoration was not necessary. The reduced amount of \$60.74 per square yard cost is for milling, grading and resurfacing with a total of 4 ½ inches of asphalt.
- 9 Following installation of the limerock for the first Type B restoration section on Sombrero Boulevard, it was determined that a 1,250 linear foot section was in need of further stabilization. The \$101.50 per square yard unit price is the cost involved with converting an existing Type B restored section into a Type A restored section prior to asphalt paving.

Item 10

The original scope of work for the road reconstruction involved only the replacement of the travel lanes, with an approximate road width of 20 feet. City staff has determined that an overlay of the bike path is necessary in order for the Contractor to provide a uniform roadway rather than an overlay of the travel lanes and a patched bike path. The \$110,500.00 amount is the cost to overlay the additional area not included in the original scope of work.