

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-63**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER #5 IN THE AMOUNT OF \$5,820.35 TO CONTRACT DATED NOVEMBER 13, 2007 WITH LANZO CONSTRUCTION COMPANY FOR CONSTRUCTION OF SERVICE AREA 6 WWTP (IN AN AMOUNT NOT TO EXCEED \$3,502,806.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon (the “City”), pursuant to Resolution 2007-165, approved a contract with Lanzo Construction for Service Areas 4 & 6 collection systems for wastewater on November 13, 2007 (the “Agreement”); and

WHEREAS, as construction proceeds on the wastewater/stormwater project, issues have come about that were unable to be identified in the engineering design process concerning suitable materials for the project, conflicts with other utilities, obstructions and other obstacles that necessitate a change in design, materials and construction

WHEREAS, the total for this Lanzo Construction change order is \$5,820.35, a credit of \$8,315.61 will be applied to the Siemens Water Technologies original equipment purchase contract.

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.

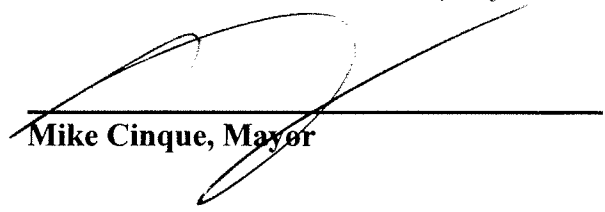
Section 2. The City Council hereby authorizes Change Order # 5 a copy of which is attached hereto as “Exhibit A”, in an amount of \$5,820.35 for Construction of Service Area 6 wastewater, stormwater and water reuse projects in the City of Marathon.

Section 3. The City Council hereby authorizes the City Manager to execute Change Order #5 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 23rd day of June, 2009.

THE CITY OF MARATHON, FLORIDA

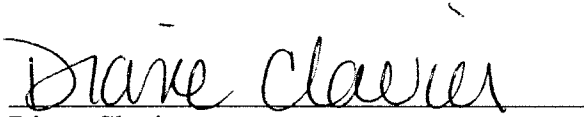


A large, stylized handwritten signature in black ink, appearing to read 'Mike Cinque', is written over a solid horizontal line.

Mike Cinque, Mayor

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

ATTEST:

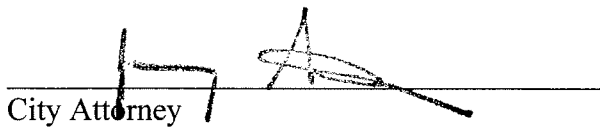


A handwritten signature in black ink, appearing to read 'Diane Clavier', is written over a solid horizontal line.

Diane Clavier
City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



A handwritten signature in black ink is written over a solid horizontal line. The signature is partially obscured by the text 'City Attorney' written below the line.

City Attorney

CHANGE ORDER NO. 5

TO: City of Marathon

PROJECT: City of Marathon Service Area 6 WWTP Project Contract Dated November 13, 2007

CONTRACTOR: Lanzo Construction Company, Florida

DATE: 6/11/09

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 \$ 3,507,886.24* 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

By: Clyde Burnett
Name: CLYDE BURNETT
Title: CITY MANAGER

CONTRACTOR
Lanzo Construction Company, Florida

By: Dean NAYHON
Name: DEAN NAYHON
Title: PROJ MAN

END OF SECTION

*The current Contract amount between the City of Marathon and Lanzo Construction Co, of \$8,186,988.18 for the Area 4 & 6 WWTPs is being increased by this change order to \$8,192,808.53.

CHANGE ORDER SUMMARY

Change Order No. 5
Project Title Area 6 WWTP Project
Bid No. N/A
Owner: City of Marathon
Contractor: Lanzo Construction Company, Florida
Agreement Date: November 13, 2007

This Change Order is necessary to cover changes in the work to be performed under this Agreement. The GENERAL CONDITIONS, SUPPLEMENTARY CONDITIONS, and STANDARD SPECIFICATIONS apply to and govern all work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE CONTRACT DOCUMENTS:

(1)	Original Contract Price	<u>\$3,502,806.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$3,507,886.24*</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 5,820.35</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$3,513,706.59*</u>
(5)	Original Contract Time	<u>360 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>360 Days</u>
(7)	Total Proposed Change in Contract Time	<u> 0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>360 Days</u>
(9)	Original Contract Substantial Completion Date	<u>April 11, 2009</u>
(10)	New Contract Substantial Completion Date	<u>April 11, 2009</u>

***The current Contract amount between the City of Marathon and Lanzo Construction Co, of \$8,186,988.18 for the Area 4 & 6 WWTPs is being increased by this change order to \$8,192,808.53.**

CHANGES ORDERED

ITEM 1

Description of Change: Delete Misc. Items 2.01 through 2.07
Reason for Change: Various, see backup provided
Change in Contract Price: **-\$19,545.75**
Change in Contract Time: 0 days

ITEM 2

Description of Change: Add Misc. Items 3.01 through 3.08
Reason for Change: Various, see backup provided
Change in Contract Price: **\$14,454.74**
Change in Contract Time: 0 days

ITEM 3

Description of Change: Slab and Drain piping under headworks platform
Reason for Change: Provide drainage for screening dumpster
Change in Contract Price: **\$10,581.91**
Change in Contract Time: 0 days

ITEM 4

Description of Change: 6% Contractor Profit and Overhead
Reason for Change: Allowed by terms of the Agreement
Change in Contract Price: **\$329.45**
Change in Contract Time: 0 days

CHANGE ORDER SUMMARY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Release of Bonds and Insurance early payment	\$ 0	0 Days
2	Misc changes described in change order	\$ 5,080.24	0 Days
3	Time extension	\$ 0.00	90 Days
4	Misc changes described in change order	\$ 34,920.74	0 Days
5	Misc changes described in change order	\$ 5,820.35	0 Days
6			
TOTAL		\$5820.35	0 Days