

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-75**

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 \$60,517.05 TO CONTRACT DATED AUGUST 12, 2008 WITH US WATER SERVICES CORPORATION (IN AN AMOUNT NOT TO EXCEED \$190,965.00) TO INCLUDE THE OPERATION OF THE AREA 6 WASTEWATER TREATMENT PLANT ON AN INTERIM BASIS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon (the "City"), pursuant to Resolution 2008-118, approved a contract with U.S. Water Corporation for operation and maintenance of the City's wastewater treatment, collection and disposal systems, on August 12, 2008 (the "Agreement"); and

WHEREAS, the Agreement expires on October 1, 2009; the Area 6 wastewater treatment plant, Wastewater & Stormwater Collection and Disposal Systems are scheduled for start up on July 1, 2009; and

WHEREAS, US Water has experience with the City's existing utilities, qualified operational and technical personnel available for the start up and operations of Area 6; and

WHEREAS, the total for this change order is \$60,517.05. This change in the contract price includes \$47,741.25 for the operation of the Area 6 facilities from July 1, 2009 to October 1, 2009 and \$12, 775.80 for startup procedures of the Area 6 WWTP, Wastewater and Stormwater Collection and Disposal System which will result in a new contract price of \$251,482.05.

WHEREAS, to ensure an efficient, orderly and cost efficient start up and subsequent operations of the Area 6 facilities it would be advantageous to the City to enter into a change order agreement with US Water.

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 # 1 a copy of which is attached hereto as "Exhibit A", in an amount of \$60,517.05 for the operation and startup procedures of the Area 6 Wastewater Treatment Plant, Wastewater and Stormwater Collection and Disposal System project in the City of Marathon.

Section 3. The City Council hereby authorizes the City Manager to execute Change Order #1 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



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. 1

TO: City of Marathon

PROJECT: City of Marathon Operations and Maintenance Agreement Contract Dated August 12, 2008

CONTRACTOR: US Water Services Corporation, Florida

DATE: _____

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 \$ 190,965.00* 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

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

CONTRACTOR
US Water Services Corporation, Florida

By: [Signature]
Name: Victoria Ferris
Title: Vice President

END OF SECTION

***The current Contract amount between the City of Marathon and US Water Services Corporation, of \$190,965.00 for the Management, Operations, Maintenance and Repair of the Area 5 (LV) WWTP, Wastewater & Stormwater Collections and Disposals Systems will include the Area 6 Facilities and is being increased by this change order to \$251,482.05.**

CHANGE ORDER SUMMARY

Change Order No. 1
Project Title O. & M. Agreement
Bid No. N/A
Owner: City of Marathon
Contractor: US Water Services Corporation, Florida
Agreement Date: August 12, 2008

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>\$190,965.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$190,965.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 60,517.05</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$251,482.05*</u>
(5)	Original Contract Time	<u>365 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>365 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>365 Days</u>
(9)	Original Contract Agreement Expiration Date	<u>October 1, 2009</u>
(10)	New Contract Agreement Expiration Date	<u>October 1, 2009</u>

***The current Contract amount between the City of Marathon and US Water Services Corporation, of \$190,965.00 for the Management, Operations, Maintenance and Repair of the Area 5 (LV) WWTP, Wastewater & Stormwater Collections and Disposals Systems will include the Area 6 Facilities and is being increased by this change order to \$251,482.05.**