

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-85**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER #1 FOR A 112 DAY EXTENSION OF CONTRACT TIME FOR THE CONTRACT DATED JULY 22, 2008 WITH ATLANTIC CIVIL INC. FOR CONSTRUCTION OF THE LITTLE VENICE PHASE 2 STORMWATER & PAVING PROJECT (IN AN AMOUNT NOT TO EXCEED \$1,685,911.42); AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the “City”) awarded a contract for Little Venice Phase II Stormwater and Paving Project to Atlantic Civil Inc. pursuant to Resolution 2008-111 on July 22, 2008; and

WHEREAS, the original contract agreement stated July 22, 2009 as the commencement date with “Substantial Completion” in 210 calendar days; and

WHEREAS, this change order will extend that date for 112 calendar days and will result in a new Contract Substantial Completion Date of August 29, 2009. This is a time extension only; no money is involved.

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 approves change order # 1 between Atlantic Civil, Inc., and the City, a copy of which is attached hereto as Exhibit “A”, for a 112 day time extension; and authorizes the Manager to execute the 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 14th day of July, 2009.

THE CITY OF MARATHON, FLORIDA



Mayor Mike Cinque

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:



Jimmy Morales, City Attorney

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 1

TO: City of Marathon

PROJECT: City of Marathon Little Venice Phase 2 Stormwater and Paving Project,
Contract dated July 22nd, 2008

CONTRACTOR: Atlantic Civil, Inc.

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 \$ 1,685,911.42 under the Agreement will be **unchanged** by this Change Order, and (b) the schedule for performance of Work will be **changed** 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
Atlantic Civil, Inc.

By: Steve Torcise, Jr.
Name: _____
Title: Steve Torcise, Jr., President

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 1
Project Title Little Venice Phase II Stormwater and Paving Project
Bid No. N/A
Owner: City of Marathon
Contractor: Atlantic Civil, Inc.
Agreement Date: July 22nd 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>\$1,685,911.42</u> |
| (2) | Current Contract Price (Adjusted by Previous Change Orders) | <u>\$1,685,911.42</u> |
| (3) | Total Proposed Change in Contract Price | <u>\$ 0.00</u> |
| (4) | New Contract Price (Item 2 + Item 3) | <u>\$1,685,911.42</u> |
| (5) | Original Contract Time | <u>210 Days</u> |
| (6) | Current Contract Time (Adjusted by Previous Change Orders) | <u>210 Days</u> |
| (7) | Total Proposed Change in Contract Time | <u>112 Days</u> |
| (8) | New Contract Time (Item 6 + Item 7) | <u>322 Days</u> |
| (9) | Original Contract Substantial Completion Date | <u>May 9, 2009</u> |
| (10) | New Contract Substantial Completion Date | <u>August 29, 2009</u> |

CHANGES ORDERED

ITEM 1

Description of Change: Time Extension

Reason for Change: The amount of time required to complete the items included in Change Orders 2 and 3 from the day this change is approved is 45 days. With the added changes, the contractor will achieve substantial completion by August 29, 2009

Change in Contract Price: \$0.00

Change in Contract Time: 112 Days

***By accepting this Change Order, Atlantic Civil acknowledges that all time due for the items included in Change Orders 2 and 3 is satisfied for the Contract. No further Claims for time extensions will be granted for Little Venice Phase II as a result of the work identified in Change Orders 2 and 3.**

| CHANGE ORDER SUMMARY | | | |
|-----------------------------|--------------------|---------------------------------|--------------------------------|
| No. | Description | Change in Contract Price | Change in Contract Time |
| 1 | Time Extension | \$ 0 | 112 Days |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| TOTAL | | \$ 0 | 112 Days |