

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2009-87**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO CHANGE ORDER # 3 IN THE AMOUNT OF \$74,556.71 TO 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) APPROPRIATING FUNDS FOR THE PROJECT AND PROVIDING 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 existing conditions of certain streets and unmarked utilities located within the Little Venice Phase 2 Stormwater & Paving Project require restoration outside of the scope of the original contract; and

**WHEREAS**, these projects are necessary to ensure a level and stable roadway.

**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 #3 between Atlantic Civil, Inc., and the City, a copy of which is attached hereto as Exhibit “A”, for the Little Venice Phase 2 Stormwater & Paving Project; 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 14<sup>th</sup> 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. 3

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TO: City of Marathon

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

CONTRACTOR: Atlantic Civil, Inc.

DATE: \_\_\_\_\_

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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 **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.

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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. 3  
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 22<sup>nd</sup> 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>\$1,706,185.52</u>
(3)	Total Proposed Change in Contract Price	<u>\$ <del>84,100.21</del></u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$1,790,285.73</u>
(5)	Original Contract Time	<u>210 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>322 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 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>

CB.  
74,556.71

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**CHANGES ORDERED**

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**ITEM 1**

**Description of Change:** Asphalt Over-Build at 107<sup>th</sup> Street and 1<sup>st</sup> Ave Intersection

**Reason for Change:** Unmarked existing utilities require moving of proposed stormwater inlet structure. Change in grading required to provide drainage to this structure.

**Change in Contract Price:** **\$1,679.21**

**Change in Contract Time:** **Time extension for this item included in Change Order #1**

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~~**ITEM 2**~~

~~**Description of Change:** Re-construction of the Aviation Blvd. bike path from 107<sup>th</sup> Street to Peter Jay Street. Includes removal of concrete driveway necessary for drainage, and sod between bike path and Aviation Blvd.~~

~~**Reason for Change:** *CB. 7/14/09* Requested by City. Existing bike in unsuitable condition.~~

~~**Change in Contract Price:** **\$9,543.50**~~

~~**Change in Contract Time:** **Time extension for this item included in Change Order #1**~~

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**ITEM 3**

**Description of Change:** Milling, reworking and resurfacing, 3<sup>rd</sup> and 5<sup>th</sup> Avenues off 113<sup>th</sup> Street.

**Reason for Change:** The condition of the existing asphalt on these 2 streets is unsuitable for overlay. At the City's request, ACI has provided pricing for milling the existing asphalt, reworking the base and supplying 1 1/4" of S-1 asphalt prior to the final overlay included in the Contract.

**Change in Contract Price:** **\$72,877.50**

**Change in Contract Time:** **Time extension for this item included in Change Order #1**

<b>CHANGE ORDER SUMMARY</b>			
<b>No.</b>	<b>Description</b>	<b>Change in Contract Price</b>	<b>Change in Contract Time</b>
1	Time Extension	\$ 0	112 Days
2	Raising Sewer Valves and Pits and Type C Grates	\$20,274.10	0 Days
3	Misc items described in change order	\$84,100.21	0 Days
4			
5			
<b>TOTAL</b>		<b>\$ 104,374.31</b>	<b>112 Days</b>