

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-97**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 9 TO GLOBETEC CONSTRUCTION LLC CONTRACT DATED AUGUST 8, 2007, IN THE ORIGINAL AMOUNT OF \$28,916,180 FOR ADDITIONAL CONSTRUCTION WORK IN SERVICE AREA 4, 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 Globetec Construction LLC for Service Areas 4 & 6 collection systems for wastewater on August 8, 2007 (the “Agreement”); and

WHEREAS, during the design stage of the Area 4 wastewater/stormwater project, certain property listed as one real estate parcel with one owner in the Monroe County Property Appraiser’s files was designed with only one connection; and

WHEREAS, in the time since the project began, the property in question was divided and now has two owners and two real estate numbers, requiring the City to provide each property owner with their own exclusive wastewater connection; and

WHEREAS, this change was not discovered until after the sewer main was installed and tested; and

WHEREAS, this requires additional work that was not part of the original contract with Globetec; and

WHEREAS, this change has increased the construction costs of the system; the total cost for this change order is \$16,119.39;

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 #9, a copy of which is attached hereto as “Exhibit A”, in an amount of \$16,119.39 to the Contract with Globetec Construction LLC for Construction of Service Area 4 wastewater, stormwater and water reuse project in the City of Marathon.

Section 3. The City Council hereby authorizes the City Manager to execute Change Order #9 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 28th day of July, 2009.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

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:



City Attorney

CHANGE ORDER NO. 9

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: July 21, 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: SORRE FONTE
Title: VICE PRESIDENT

END OF SECTION

EXHIBIT A

Backup to Proposed Change Order Number 9 to the GlobeTec Area 4 & 6 Collection System Contract

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Contract Change
1.	Additional 3" Connection at Dockside Lounge	\$0.00	\$16,119.39	\$0.00	\$16,119.39
Total Net Change Order =					\$16,119.39

(VP)

Item
No. Notes

1. During the design stage of the Area 4 Sewer/Stormwater project, the Dockside Lounge/Restaurant and the Dockside Marina property were listed in the Monroe County Property Appraiser's files as being one property with one Real Estate number and one owner. As such, the property was designed with one tie-in connection for both the restaurant and the marina. In the time since the project began, the property was divided and now has two owners and two Real Estate numbers, requiring the City to provide each property with their own exclusive sewer connection.
This change was not discovered until after the sewer main on Sombrero Blvd. was installed and tested. At the City's request, Weiler Engineering asked GlobeTec Construction to provide pricing for the costs associated with re-excavating the sewer main, tying into the previously installed pipe, adding an additional 45 feet of pipe to provide service to the restaurant, and re-testing the sewer line. Weiler Engineering has reviewed GlobeTec's proposal and recommends approval for the amount of \$16,119.39 for this scope of work.

Weiler Engineering and GlobeTec Construction agree that, due to the increased work added with this Change Order, that GlobeTec may be entitled to a time extension for Contract 1, Area 4. The amount of time due, if any, will be decided at a later date and will be included on a Change Order separate from this one.



June 26,2009

Letter No: 1407 / 0084
Via E Mail Communication

The Weiler Engineering Corporation
5800 Overseas Highway Suite 36
Marathon, Florida 33050

Attn: Steve Markey.
Project Manager

Re: City of Marathon - Area 4 and 6 Wastewater & Stormwater Project.

Subject: COR No. 39 – Additional 3” Connection at the Dockside Lounge on Sombrero Blvd as per Change in design No.102.

Dear Mr. Markey:

Please find the cost associated with the additional work effort in connection with the installation of additional 3” SDR 21 lineal footage of pipe to serve the “Dockside Lounge” on Sombrero Blvd at sta 38+28 of Area 4, as per change on design no. 102, as the proposed vacuum and drainage mains have already been installed, tested, passed and accepted.

Additional Scope of Work not covered under contract items.

- Installation of additional 45 LF of 3” SDR pipe.
- One each 3” Tie ins.
- Additional Maintenance of traffic
- Additional Surveying
- Additional Testing

Cost	\$ 12,048.28
Overhead and Profit (10%, 10%)	\$ 2,409.66
Bond (2.5%)	\$ 361.45
Total	\$ 14,819.39

Additional Scope of Work covered under contract items

- 3” Gate Valve.
- 3” Service Connection

Total	\$ 1,300.00
<i>Grand total</i>	\$ 16,119.39

For additional information please refer to the attached breakdown.

In addition, an increase to the contract time is hereby requested as follows:

Two (2) working days to performed the work, plus the time from this date to the date of receipt of a fully executed Change Order and five (5) additional days to commence the work.

Should you have any questions or require additional information, please contact the undersigned at your earliest convenience.

Sincerely,



Ricardo Delfino
Project Manager
cc. File/M.O.
w/attachments

ITEM #	DESCRIPTION				
Extra Work - 39	Additional work effort in connection with the change of design no. 102 "additional service of the Dockside Lounge at Sombrovo Blvd."				
A.- Labor Requirements					
Description	Qty	Regular Rate (\$/hr)*	Regular Hrs	Overtime Hrs	Amount
Foreman	1	32.00	416.00	156.00	672.00
Loader Operator	1	18.00	230.40	88.40	318.80
Construction Operator	1	15.00	204.00	78.00	282.00
Pipe Layer	1	18.00	230.40	88.40	318.80
Pipe Tender	1	15.00	192.00	72.00	264.00
Skilled Labor	1	12.00	153.60	57.00	210.60
Unskilled Labor	1	10.00	128.00	48.00	176.00
Sub Total	7				2,128.40
85% Labor Burden :					1,778.12
Total Labor :					3,906.52
B.- Equipment Requirements					
Description	Qty	Rate/hr	Fuel & Maintenance	Duration (Hrs)	Amount
Komatsu PC 220ULC-3 Excavator	0	33.26	22.06	18.00	0.00
KIT 9246 Front End Loader	1	18.32	18.51	18.00	525.28
CAT 420E 4WD Eel. Hoe Combination	1	8.74	14.78	18.00	378.00
18 CY On-Highway Dump Truck	1	24.89	48.89	18.00	1,193.28
2000 Gal Water Truck	1	7.33	15.15	2.00	44.98
Reversible Plate Compactor 15000#	1	5.21	3.87	18.00	145.28
Laynor BHC Power Road Sweeper	1	4.68	6.75	2.00	27.50
1/2 Ton Pick-up Truck - 4x4 WD Crew Cab	1	4.00	11.82	16.00	253.12
Miscellaneous Hand Tools	1	1.70	0.43	18.00	34.09
Sub Total					2,584.51
C.- Material					
Description	Qty	Unit	Rate (unit)		Amount
3" BDR 21	60	LF	1.90		114.00
Rock # 57	25	Yd	32.25		806.25
	0		0.00		0.00
	0		0.00		0.00
Sub Total					920.25
D.- Subcontractor Requirements					
Subcontractor	Qty	Unit	Rate (unit)	Duration	Amount
MOT	12	HR	125.00		1,500.00
3" Tie Ins	1	EA	1,219.00		1,219.00
Surveying	1	LS	2,500.00		2,500.00
Sub Total					5,219.00
E.- Misc. Requirements					
Description	Qty	Unit	Rate (unit)	Duration	Amount
Mobilization	0	EA	2,500.00		0.00
De mobilization	0	EA	1,800.00		0.00
Trench Restoration/Restorable fill method	0	SY	87.00		0.00
Sub Total					0.00
Sub Total					\$12,648.28
Overhead and Profit Allowance (10%, 10%)					\$2,409.68
Sub Total					\$14,467.94
Bond & Insurance : 2.50%					\$361.45
GRAND TOTAL :					\$14,829.39
F.- Contract Items					
Description	Qty	Unit	Rate (unit)	Duration	Amount
3" Gate Valve	1	EA	900		900
3" Service Connection	1	EA	400		400
Sub Total					\$1,300

GRAND TOTAL CHANGE ORDER REQUEST No. 39

\$16,129.39

NOTES :

No consideration is made to asphalt restoration, if required, it will be performed at additional cost.
 No consideration is made to swale restoration, if required, it will be performed at additional cost.
 This proposal may be withdrawn by GTC if not accepted within Thirty (30) days.
 This proposal is subjected to revisions in order to correct any error/omission.

DOCKSIDE LOUNGE

3" VALVE



3" CAP

38+00

SOMBRERO BOULEVARD

STA 38+28

38+15