

**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-98**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 6 TO LANZO CONSTRUCTION COMPANY, FLORIDA CONTRACT DATED NOVEMBER 13, 2007, IN THE ORIGINAL AMOUNT OF \$3,513,706.59 TO EXTEND THE FINAL COMPLETION DATE TO SEPTEMBER 6, 2009, AND PROVIDING FOR 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, the original contract time for Area 6 was 330 calendar days to substantial completion and 360 calendar days to final completion. A ninety day extension was previously granted; this extension is for 31 days; and

WHEREAS, the wastewater treatment plant start-up will go on, as scheduled, and once completed, the City will attain beneficial use of the wastewater treatment plant; and

WHEREAS, staff recommends approval of this request in recognition of Lanzo’s efforts to accommodate the schedule and continued progress.

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.

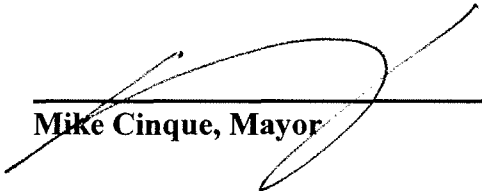
Section 2. The City Council hereby authorizes Change Order # 6 a copy of which is attached hereto as “Exhibit A”, for an extension of time for Construction of Service Area 6 wastewater treatment plant project in the City of Marathon.

Section 3. The City Council hereby authorizes the City Manager to execute Change Order #6 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

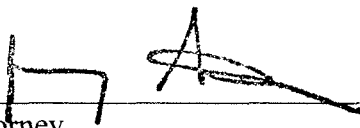
ATTEST:



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. 6

TO: City of Marathon

PROJECT: City of Marathon Service Area 6 Wastewater Treatment Project Contract dated November 13, 2007, in the amount of \$3,513,706.59.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Lanzo Construction Company, Florida

DATE: July 21, 2009

This Change Order will authorize the following change to the Agreement:

The Contract Time 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 \$ 3,513,706.59 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

CONTRACTOR

By: Clyde Burnett
Name: Clyde Burnett
Title: City Manager

By: Dean Naylor
Name: Dean Naylor
Title: Project Manager

END OF SECTION

EXHIBIT A

Backup for Change Order No. 6 Area 6 Wastewater Treatment Plant Project

Lanzo Construction has requested an extension of contract time for Area 6 Wastewater Treatment Plant Project. The Notice to Proceed for Area 6 WWTP was issued on May 14, 2008. The original contract time was 330 calendar days to Substantial Completion and 360 calendar days to Final Completion. Weiler Engineering recommends granting an extension of 31 calendar days to both the Substantial Completion date and the Final Completion Date as summarized below.

	Days to Substantial Completion	Days to Final Completion	Substantial Completion Date	Final Completion Date
Original Time	330	360	April 11, 2009	May 11, 2009
Revised Time: All change orders	452	482	August 7, 2009	September 6, 2009

Weiler Engineering recommends approval of this request in recognition of Lanzo's efforts to accommodate the schedule and continued progress. **The WWTP start-up with Siemens and Airvacv will go on, as scheduled, during the week 7/26/2009** and once completed, the City will attain beneficial use of the WWTP. This change in contract time is to allow for continued work on fencing, landscaping, and other miscellaneous issues that are outstanding.

Lanzo Construction has requested this additional time due to several factors that were discovered during construction that have had a cumulative effect and have forced construction beyond the substantial completion date. These items include:

- 1) The motor control center was sent in the wrong configuration from Siemens and had to re-worked in the field to include a neutral bar that is required.
- 2) The contract drawings had a discrepancy between the Siemens submittals and the original plans – three effluent pumps were provided when only two were shown on the plan view. Additional switch gear, wiring, and installation time were required.
- 3) The Siemens scope did not include the variable frequency drives and this created some confusion and delayed the ordering and installation of the equipment.
- 4) The final fencing and gate placement at the treatment plant has been changed numerous times due to the City's requests and has caused the fencing contractor to delay the performance of their contract.
- 5) The grading of the site has also changed several times due to the fact that the fencing and gate locations are relocated.
- 6) The landscaping has changed multiple times as has the irrigation plan to go along with the changes.
- 7) The City reduced the size of the water meter from 2" to 1" in order to reduce the impact fees required to be paid. This in turn caused a change in the irrigation system layout and functional design.

By accepting this Change Order, Lanzo Construction, acknowledges that all time due for previously executed change orders and for future changes to the work that are currently known is satisfied. No further claims for time extensions will be granted.

CHANGE ORDER SUMMARY

Change Order No. 6
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>\$3,513,706.59</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 0.00</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>31 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>481 Days</u>
(9)	Original Contract Substantial Completion Date	<u>April 11, 2009</u>
(10)	New Contract Substantial Completion Date	<u>August 07, 2009</u>

CHANGES ORDERED

ITEM 1

Description of Change: 31 day extension of contract time

Reason for Change: Delays have been caused by multiple items as listed above including scope clarifications and multiple change requests by the City.

Change in Contract Price: \$0.00

Change in Contract Time: 31 days

CHANGE ORDER SUMMARY

No.	Description	Change in Contract Price	Change in Contract Time
1	Release of Bonds and Insurance early payment	\$ 0.00	0 Days
2	Misc changes described in change order	\$ 5,080.24	0 Days
3	Time Extension	\$ 0.00	90 Days
4	Area 4 WWTP – not applicable	\$ 0.00	0 Days
5	Misc changes described in change order	\$ 5,820.35	0 Days
6	Time Extension	\$ 0.00	31 Days
TOTAL		\$ 10,900.59	121 Days