

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2010-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 6 TO CONTRACT DATED SEPTEMBER 9, 2008 WITH LANZO CONSTRUCTION COMPANY FOR CONSTRUCTION OF SERVICE AREA 5 COLLECTION SYSTEM PROJECT (IN THE AMOUNT OF \$19,126,494.00), INCREASING THE CONTRACT PAYMENT IN AN AMOUNT NOT TO EXCEED \$145,000.00; APPROPRIATING FUNDS; AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY; AUTHORIZING EXPENDITURE OF APPROPRIATED FUNDS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in September of 2008 the City of Marathon (“City”) entered into a contract with Lanzo Construction Company (“Lanzo”) for Construction of Service Area 5 Collection System Project (“Contract”); and

**WHEREAS**, the poor condition of several existing roads requires that these areas be repaired prior asphalt overlay of these roads; and

**WHEREAS**, Change Order No. 6 is an additive change order to the Contract, in the amount of \$145,000.00, for the proposed additional work that will be required as a result of the needed repairs including an additional fourteen calendar days to ensure timely completion of the project.

**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.** Change Order No. 6, to the Contract between the City and Lanzo in an amount not to exceed \$145,000.00 and granting an additional 14 calendar days to complete the project, a copy of which is attached hereto as “Exhibit A,” together with such non-material changes as may be acceptable to the Acting City Manager and approved as to form and legality by the City Attorney is hereby approved. The City Council hereby appropriates funds from the City’s Street Maintenance Reserve Fund for this change order, and the Acting City Manager is authorized to execute the change order on behalf of the City, and expend the appropriated funds.

**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 12<sup>th</sup> day of January, 2010.

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Ginger Snead, Mayor**

AYES: Cinque, Keating, Ramsay, Worthington, Snead  
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

**EXHIBIT "A"**  
**CHANGE ORDER**

CHANGE ORDER NO. 6

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**TO: City of Marathon**

**PROJECT: City of Marathon Service Area 5 Wastewater and Stormwater Project Contract dated September 9, 2008, in the amount of \$19,126,494.00.**

**ENGINEER: Weiler Engineering Corporation**

**CONTRACTOR: Lanzo Construction Co.**

**DATE: January 12, 2010**

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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 \$ 19,126,494.00 under the Agreement will be **changed** 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.

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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

By:   
Name: PETER ROSASCO  
Title: CITY MANAGER

By:   
Name: James M. Tilli  
Title: Project Manager

END OF SECTION

## CHANGE ORDER SUMMARY

Change Order No. 6  
Project Title Area 5 Collection System Project  
Bid No. N/A  
Owner: City of Marathon  
Contractor: Lanzo Construction Company, Florida  
Agreement Date: September 9, 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>\$19,126,494.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$19,315,587.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 145,000.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$19,460,587.00</u>
(5)	Original Contract Time	<u>915 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>915 Days</u>
(7)	Total Proposed Change in Contract Time	<u>14 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>929 Days</u>
(9)	Original Contract Substantial Completion Date	<u>March 5, 2011</u>
(10)	New Contract Substantial Completion Date	<u>March 19, 2011</u>

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**CHANGES ORDERED**

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**ITEM 1 – Pre-Existing Asphalt Damage - Repairs in Area 5**

**Description of Change:** The proposed work includes the repair of existing roads by either adding additional layers of asphalt overlay or by completely removing the damaged asphalt, recompact the base material to provide a solid foundation, and adding a structural layer of asphalt prior to the final asphalt overlay.

**Reason for Change:** Several existing roads in Service Area 5 have suffered age-related damage such as cracked asphalt edges, potholes, and subsiding asphalt over water pipe trenches. If this damage is not corrected prior to paving it will adversely affect the quality of the final asphalt overlay. At the City's request, Weiler Engineering has reviewed the pricing for the repair of these damaged roads and recommends approval for the amount of \$104,000.00 for this scope of work.

**Change in Contract Price:** \$104,000.00

**Change in Contract Time:** 8 Days

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**ITEM 2 – Subsiding Roadway at intersection of Harbor Dr. and Aviation Blvd.**

**Description of Change:** The proposed work will repair an existing area of roadway by excavating the area, adding rock for a solid sub-base and wrapping the rock in a road bed stabilizing filter fabric, placing and compacting a limerock base, and placing a layer of structural asphalt prior to applying the final asphalt overlay.

**Reason for Change:** An existing area of roadway has subsided due to failure of the road sub-base. The installation of a new, structurally sound sub-base will prevent the road from subsiding again after the final asphalt overlay is applied. The City asked Weiler Engineering to formulate a solution for this issue and review Lanzo Construction's pricing for the repair. Weiler Engineering recommends approval for the amount of \$41,000.00 for this scope of work.

**Change in Contract Price:** \$ 41,000.00

**Change in Contract Time:** 6 Days

**AREA 5 CHANGE ORDER HISTORY**

<b>No.</b>	<b>Description</b>	<b>Change in Contract Price</b>	<b>Change in Contract Time</b>
1	Aviation Changes	\$ 19,100.00	0 Days
2	Oceanside AT&T Utility Conflicts	\$ 30,441.89	0 Days
3	Shark & Marlin Road Reconstruction	\$130,704.90	0 Days
4	Harbor Dr. Sewer/Storm Modification	\$ 8,126.21	0 Days
5	Seal WCS Inlet for S-82 on 79 <sup>th</sup> St.	\$ 720.00	0 Days
6	Pre-Existing Asphalt Damage Repairs Repair Subsiding Road – Harbor & Aviation	\$145,000.00	14 Days
<b>TOTAL</b>		<b>\$ 334,093.00</b>	<b>14 Days</b>