

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-06**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 17 TO CONTRACT DATED AUGUST 8, 2007 WITH GLOBETEC CONSTRUCTION, LLC FOR CONSTRUCTION OF SERVICE AREAS 4 & 6 WASTEWATER AND STORMWATER PROJECT (IN THE AMOUNT OF \$28,916,180.00), INCREASING THE CONTRACT PAYMENT IN AN AMOUNT NOT TO EXCEED \$154,744.29; AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY; AUTHORIZING EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in August of 2007 the City of Marathon (“City”) entered into a contract with Globetec Construction, LLC (“Globetec”) for Construction of Service Areas 4 & 6 Wastewater and Stormwater Project (“Contract”); and

WHEREAS, during construction of Service Area 4 several unanticipated issues have arisen delaying progress of the work including utility conflicts, acquisition of easements and a redesign of the sewer main on 37th Street; and

WHEREAS, Weiler Engineering has provided for redesign of these issues in order to resolve so Globetec may continue its work; and

WHEREAS, Change Order No. 17 is an additive change order to the Contract, in the amount of \$154,744.29, for the proposed additional work, and also includes an additional 23 calendar days to ensure ample time for 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. 17, to the Contract between the City and Globetec in an amount not to exceed \$154,744.29 and granting an additional 23 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 Acting City Manager is authorized to execute the change order on behalf of the City, and expend budgeted 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 26th day of January, 2010.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES: Cinque, Ramsay, Keating, 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

CHANGE ORDER NO. 17

TO: City of Marathon

PROJECT: City of Marathon Service Area 4 & 6 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: January 26, 2010

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.

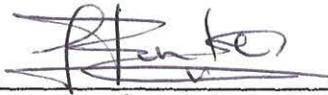
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under 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 **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: 
Name: Peter Rosasco
Title: Acting City Manager

By: 
Name: JORGE FONTE
Title: VICE PRESIDENT

JAN/18/2010

END OF SECTION

EXHIBIT A

Backup to Proposed Change Order Number 17 to the GlobeTec Area 4 & 6 Collection System Contract

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Contract Change
1.	46th St. Asphalt Restoration	\$0.00	\$31,200.71	\$0.00	\$31,200.71
2.	42nd St. Water Main Replacement	\$0.00	\$24,196.64	\$0.00	\$24,196.64
3.	Sewer Connection Relocation - 51st St. (Wendy's Restaurant)	\$0.00	\$15,573.47	\$0.00	\$15,573.47
4.	Additional Sewer Connection - 50th Ct. (Sea Dell Motel)	\$0.00	\$15,573.47	\$0.00	\$15,573.47
5.	37th St. Vacuum System Redesign - Shift Items from Area 3 Contract to Area 4 Contract	\$0.00	\$68,200.00	\$0.00	\$68,200.00
Total Net Change Order =					\$154,744.29

Item Narrative

1. FKAA trenched through a large portion of 46th St. to install a water main. Only temporary asphalt restoration has been provided and density testing was not performed. GlobeTec had already completed the required sewer/stormwater installation on this street and performed the asphalt trench restoration before FKAA began working there. Although FKAA may be willing to properly restore the trenches and asphalt on 46th St, the City has been unable to get a firm commitment and schedule. In order to avoid additional delays in the sewer project and possibly the cost for remobilization of GlobeTec's crews and equipment, Weiler Engineering has advised the City to consider having GlobeTec perform the restoration. The City asked GlobeTec to provide pricing to restore the water main trenches and asphalt to an acceptable condition. Weiler Engineering has reviewed the pricing for the repair of these damaged roads and recommends approval in the amount of \$31,200.71 and a five (5) day extension of contract time for this scope of work.
2. A water main in the center of 42nd St. was not accurately marked, causing an abandoned water main to be mistaken for the active water main. Approximately 200 feet of the active 2" water main was destroyed before the mistake was discovered. FKAA reinstalled two temporary 1" water lines to restore water service to the street. However, the street is very narrow with no shoulder. The drainage system will only fit in the center of the road. It is proposed that the 2" water main be relocated to where the abandoned line is currently placed.

In an effort to expedite construction and to work cooperatively with FKAA, the City staff suggested that FKAA should install a new water main in a trench that would be pre-trenched by the sewer project Contractor. After installation of the water main by FKAA personnel, including bedding, backfilling, compaction and density testing, Globetec will patch the trench with 1.25" of Type S-1 asphalt. The City asked the Contractor to provide pricing for this scope of work and, after reviewing the Contractor's proposal, Weiler Engineering recommends approval in the amount of \$24,196.64 and a nine (9) day extension of contract time.

3. In order for the sewer vacuum main to be installed along US-1, it was necessary for the City of Marathon to obtain a utility easement from the property owner at the location of Wendy's Restaurant. In exchange for the easement, the property owner requested that the property's sewer connection point be relocated from US-1 to 51st St. and, at the direction of City Staff, Weiler Engineering redesigned the connection point to accommodate the request. GlobeTec Construction submitted a pricing proposal and Weiler Engineering recommends approval of this proposal in the amount of \$15,573.47 and a two (2) day extension of contract time.
4. In order for the sewer vacuum main to be installed along US-1, it was necessary for the City of Marathon to obtain a utility easement from the property owner at the location of the Sea Dell Motel. In exchange for the easement, the property owner requested that the property's sewer connection point be relocated from US-1 to 50th Ct. and, at the direction of City Staff, Weiler Engineering redesigned the connection point to accommodate the request. GlobeTec Construction submitted a pricing proposal and Weiler Engineering recommends approval of this proposal in the amount of \$15,573.47 and a two (2) day extension of contract time.
5. At the request of a local businessman with a failing septic system, City staff directed Weiler Engineering to investigate the possibility of modifying the sewer project on his street to allow for a quick connection to an existing wastewater treatment facility. A BAT wastewater treatment facility that is operating in compliance with FDEP regulations was located approximately 500 feet from the existing business. The possibility of connection to his system was investigated and deemed to be feasible and will allow the business to stay in operation.

Weiler Engineering has completed a redesign of the sewer project on 37th Street that would allow this business to connect as soon as the lines can be installed. The sewer lines originally designed on 37th Street were in the Area 3 scope of work. To expedite the construction and since the piping to which the re-designed vacuum sewer will connect was installed by Globetec, it was deemed best to have Globetec perform this work. If this change is approved, the Substantial Completion, Final Completion, and Warranty Provisions of the Area 4 Contract will apply to this portion of the Work. All materials and costs associated with the re-designed construction that were not in the original design, are being paid for by the businessman. This change order will increase the Globetec contract by \$68,200.00 but will be offset by the reduction in the Area 3 contract and the payment made to the City by the local business. Weiler Engineering recommends approval in the amount of \$68,200.00 and a five (5) day extension of contract time for this scope of work. *

Globetec's schedule will be impacted by these changes in the work as noted in each of the five work items, resulting in a total extension of contract time of **23 DAYS** for Contract 1, the Area 4 Wastewater and Stormwater Project.

AREA 4	Days to Substantial Completion	Days to Final Completion	Substantial Completion Date	Final Completion Date
Original Time	720	780	September 20, 2009	November 19, 2009
Revised Time: All Change Orders	898	958	March 17, 2010	May 16, 2010

* See additional backup