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**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-118**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO.2 TO CONTRACT DATED MAY 25, 2010 WITH FOUNTAIN ENGINEERING INC., TO CONSTRUCT THE SERVICE AREA 7 WASTEWATER/STORMWATER IMPROVEMENTS (IN THE AMOUNT OF \$3,571,229.67), WHICH DECREASES THE CONTRACT COST IN THE AMOUNT OF -\$20,456.46 AND ESTABLISHES A REVISED COMPLETION DATE OF AUGUST 17, 2011, AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Fountain Engineering Inc. is constructing a wastewater and stormwater collection system in Service Area 7; and

WHEREAS, several changes have been engineered since the contract was awarded; and

WHEREAS, the changes have resulted in a decrease in the contract cost in the amount of -\$20,456.46, and an increase of sixty (60) days to the contract time, making the new completion date August 17, 2011.

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. 2 to the contract with Fountain Engineering, a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney is hereby approved. The City Manager is authorized to execute the change order on behalf of the City.

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 9th DAY OF NOVEMBER, 2010.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

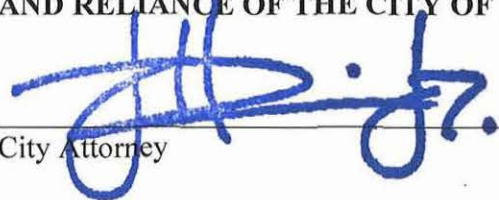
ATTEST:



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. 2

TO: City of Marathon

PROJECT: City of Marathon Service Area 7 Wastewater and Stormwater Improvements Contract dated May 25th, 2010, in the amount of \$3,571,229.67.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Fountain Engineering Inc.

DATE: October 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 \$ 3,571,229.67 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: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 2
Project Title Service Area 7 Wastewater and Stormwater Improvements
Bid No. N/A
Owner: City of Marathon
Contractor: Fountain Engineering Inc.
Agreement Date: May 25, 2010

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>\$ 3,571,229.67</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 3,571,228.60</u>
(3)	Total Proposed Change in Contract Price	<u>\$ - 20,456.46</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 3,550,772.14</u>
(5)	Original Contract Time (Substantial)	<u>300 Days</u>
(6)	Original Contract Time (Final)	<u>320 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>300 Days</u>
(8)	Final Completion	<u>320 Days</u>
(9)	Total Proposed Change in Contract Time	<u>60 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>360 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>380 Days</u>
(12)	Original Contract Substantial Completion Date	<u>May 29, 2011</u>
(13)	Original Contract Final Completion Date	<u>June 18, 2011</u>
(14)	New Contract Substantial Completion Date	<u>July 28, 2011</u>
(15)	New Contract Final Completion Date	<u>August 17, 2011</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Blue Isle Blvd Change of Sewer Collection Design

Description of Change: The originally designed pumping wastewater collection system on Blue Isle Blvd has been changed to a gravity collection system.

Reason for Change: Due to the narrow right of way on Blue Isle Blvd., it was determined that the planned installation of sewer lift stations in this area may adversely affect emergency vehicle and utility vehicle access and maneuverability. It was decided that the redesign of a portion of the system utilizing gravity mains and manholes instead of lift stations was justified.

At the City's request, Weiler Engineering asked the Contractor to provide pricing to construct the aforementioned gravity collection system (see table below). Weiler Engineering has reviewed Fountain Engineering's proposal and recommends approval for the amount of \$17,002.06 for this scope of work.

DEDUCTED ITEMS

Item	Description	Unit	Qty	Unit Price	Total
1	2" DR-11 HDPE Sewer Force Main	LF	410	\$14.12	\$5,789.20
2	Duplex Grinder Pump station & Valve Vault Installed & tested	EA	3	\$7,992.98	\$23,978.94
TOTAL					\$29,768.14

ADDED ITEMS

Item	Description	Unit	Qty	Unit Price	Total
1	4' dia. Precast Concrete Manhole Installed & tested	EA	3	\$5,000.00	\$15,000.00
2	Duplex Grinder Pump station & Valve Vault Installed & tested (Larger Unit)	EA	1	\$10,000.00	\$10,000.00
3	8" SDR35 PVC Gravity Main	LF	340	\$56.00	\$19,040.00
4	6" Gravity Service Lateral Piping	LF	55	\$49.64	\$2,730.20
TOTAL					\$46,770.20

Change in Contract Price: \$17,002.06

Change in Contract Time: See Item #4

ITEM 2 – Install Stormwater Injection Well – 46th St & US-1

Description of Change: Install a new 12” diameter stormwater injection well in the US-1 Right-of-Way near the intersection of 46th St.

Reason for Change: A portion of the parking lot used for Tilden’s Scuba Center and the Hurricane Grille suffers from frequent flooding after rain events. Because this section of parking lot is located in the FDOT Right-of-Way, no stormwater collection system was originally designed for this area, at the City’s direction. Several recent rain events have highlighted the fact that the flooding in this area is indeed a significant issue and requires attention. With permission from FDOT, City Staff asked Weiler Engineering to determine the most cost-effective method to control the stormwater flooding. Utilizing the unit costs for well installation from Fountain Engineering’s Contract, Weiler Engineering recommends approval of this change order for the amount of \$25,796.34.

Scope of Work:

- Install 12” Diameter Stormwater Injection Well.
- Install Well Control Structure.
- Apply asphalt hot patching (12” compacted limerock base, 1½” Type S-1 asphalt), incidental to well control structure installation.
- Grade asphalt to promote positive drainage toward structure.

Change in Contract Price: \$25,796.34

Change in Contract Time: See Item #4

ITEM 3 – Changes Related to Resident Requested Removal of Stormwater Components

Description of Change: Removal of several stormwater components throughout Grassy Key.

Reason for Change: Due to the concerns of numerous residents questioning the need to install a stormwater system on Grassy Key, the City directed Weiler Engineering to reevaluate the proposed stormwater system, determine the areas in which the system was not vital for protecting the roadways, wetlands, and near shore waters, and allow individual residents the option of changing or eliminating the proposed stormwater system components surrounding their property. Using the Contractor’s Area 7 Contract Unit Costs, Weiler Engineering has calculated the cost reduction brought about by the removal of these components and recommends approval for the deductive amount of -\$63,254.86

Scope of Work:

- Eliminate approximately 584 LF of Type A exfiltration trench from proposed plan.
- Add approximately 7 LF of Type B stormwater trench.
- Eliminate 2 perforated end caps.
- Eliminate 2 HDPE tee.
- Eliminate 3 stormwater catch basins.
- Add asphalt hot patching (12" compacted limerock base, 1½" Type S-1 asphalt) for approximately 160 SY of Type A Exfiltration Trench moved from grassed areas into the roadway. Unit Price = \$45.00 per SY.

Change in Contract Price: - \$63,254.86

Change in Contract Time: See Item #4

ITEM 4 – Contract Time Extension

Description of Change: Add additional time to the Area 7 Collection System Contract.

Reason for Change: Several occurrences that were beyond the contractor's control have provided grounds for a Contract time extension. These occurrences include a delay caused by the FDOT's lengthy review of the permit application for the construction along US-1, delays triggered by allowing the residents to remove stormwater components (Item #3), additional time to complete the work due to the design changes on Blue Isle Blvd. (Item #1), and additional time to install the new well on 46th St. (Item #2).
Weiler Engineering has reviewed the Contractor's proposal for additional time and recommends approval of a Contract time extension of 60 days to both the Substantial and Final completion dates.

Scope of Work: N/A

Change in Contract Price: \$ 0.00

Change in Contract Time: 60 Days
