

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-127**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 6 TO CONTRACT DATED JULY 26, 2005 BETWEEN THE CITY AND WEILER ENGINEERING CORPORATION FOR THE DESIGN OF THE CITY WIDE WASTEWATER COLLECTION AND TREATMENT SYSTEM IN THE ORIGINAL AMOUNT OF \$7,232,751.00, INCREASING THE CONTRACT COST BY \$35,409.92 FOR PROPERTY OWNER DESIGN CHANGES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY AND EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on July 25, 2005, the City entered into a Contract (the "Contract") with Weiler Engineering Corporation ("Weiler"), whereby Weiler would provide the City with engineering consulting, design and construction management services in connection with wastewater projects in the City (the "Project"); and

WHEREAS, during the design and construction of the Project the City Council directed staff to work with residents and Weiler to make design changes to the Project when possible for no cost, or if there was an additional cost to the Project, to allow the resident to fund the design change; and

WHEREAS; funds totaling \$171,393.98 have been collected from City residents for requested design changes to the Project, and this change order is to pay Weiler \$35,409.92 for the additional engineering and drawings associated with the resident requested Project design changes in Service Areas 4, 5, & 6.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

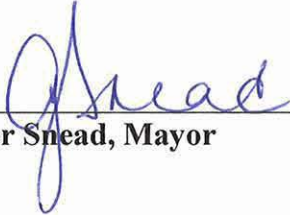
Section 1. The above recitals are true and correct and are incorporated herein

Section 2. Change Order No. 6 to the Contract between the City and Weiler, a copy of which is attached hereto as Exhibit "A" is hereby approved. The 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 14th DAY OF DECEMBER, 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

CHANGE ORDER NO. 6

TO: City of Marathon

PROJECT: Wastewater Engineering Consulting, Design and Construction Management Services

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Weiler Engineering Corporation

DATE: November 23, 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 \$ 7,232,751.00 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:  010311
Name: Roger T. Hernstadt
Title: City Manager

By: 
Name: EDWARD R. CASTLE
Title: VICE PRESIDENT

END OF SECTION

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Service Area 4 Resident Change Requests – Engineering Costs

Description of Change: The costs experienced by Weiler Engineering due to the Service Area 4 resident requested changes that were implemented throughout the Project are resolved in this change order.

Reason for Change: After the commencement of the Area 4 Sewer and Stormwater Project, the City agreed to allow individual property owners to review the Project plans and request changes to the locations of their sewer connection point and any piping that may impact their improvements to the City Right-of-Way. A 17% engineering fee was added to any costs paid to the City by the homeowner to account for the additional engineering work incurred due to the change. All residents were required to pay this fee to the City prior to approval of the requested change. This change will increase the Contract by \$18,453.85, representing all of the engineering fees relating to the resident change requests in Service Area 4.

Change in Contract Price: \$ 18,453.85 (previously paid by residents)

ITEM 2 – Service Area 5 Resident Change Requests – Engineering Costs

Description of Change: The costs experienced by Weiler Engineering due to the Service Area 5 resident requested changes that were implemented throughout the Project are resolved in this change order.

Reason for Change: After the commencement of the Area 5 Sewer and Stormwater Project, the City agreed to allow individual property owners to review the Project plans and request changes to the locations of their sewer connection point and any piping that may impact their improvements to the City Right-of-Way. A 17% engineering fee was added to any costs paid to the City by the homeowner to account for the additional engineering work incurred due to the change. All residents were required to pay this fee to the City prior to approval of the requested change. This change will increase the Contract by \$14,151.07, representing all of the engineering fees relating to the resident change requests in Service Area 5.

Change in Contract Price: \$ 14,151.07 (previously paid by residents)

ITEM 3 – Service Area 6 Resident Change Requests – Engineering Costs

Description of Change: The costs experienced by Weiler Engineering due to the Service Area 6 resident requested changes that were implemented throughout the Project are resolved in this change order.

Reason for Change: After the commencement of the Area 6 Sewer and Stormwater Project, the City agreed to allow individual property owners to review the Project plans and request changes to the locations of their sewer connection point and any piping that may impact their improvements to the City Right-of-Way. A 17% engineering fee was added to any costs paid to the City by the homeowner to account for the additional engineering work incurred due to the change. All residents were required to pay this fee to the City prior to approval of the requested change. This change will increase the Contract by \$2,805.00, representing all of the engineering fees relating to the resident change requests in Service Area 6.

Change in Contract Price: \$ 2,805.00 (previously paid by residents)

Total Change in Contract Price: \$35,409.92