

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-128**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 9 TO CONTRACT DATED OCTOBER 14, 2008 BETWEEN THE CITY AND LANZO CONSTRUCTION CO., FOR THE CONSTRUCTION OF THE SERVICE AREA 5 WASTEWATER AND STORMWATER COLLECTION SYSTEMS IN THE ORIGINAL AMOUNT OF \$19,126,494.00, INCREASING THE CONTRACT COST BY \$126,534.06; 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 October 14, 2008 the City entered into a contract (the "Contract") with Lanzo Construction Company ("Lanzo") for the construction of Service Area 5 Wastewater and Stormwater Project in October of 2008 (the "Project"); and

WHEREAS, during the design and construction of the Project the City Council directed staff to work with residents, the Project engineer and Lanzo 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, Change Order No. 9 is an additive change order to the Contract in the amount of \$126,534.06, to pay for the cost of the resident requested Project design change, of which \$118,540 will be paid by funds collected from City residents.

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.9 to the Contract between the City and Lanzo, 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

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 9

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: 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 \$ 19,126,494.00 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: Lanzo

By: [Signature]
Name: Roger T. Hernstadt
Title: City manager

By: [Signature] 5-JAN
Name: Bob Casey
Title: Asst. Sec.

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 9
Project Title Service 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>\$20,376,534.17</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 126,534.06</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$20,503,068.23</u>
(5)	Original Contract Time (Substantial)	<u>850 Days</u>
(6)	Original Contract Time (Final)	<u>915 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>866 Days</u>
(8)	Final Completion	<u>931 Days</u>
(9)	Total Proposed Change in Contract Time	<u>0 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>866 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>931 Days</u>
(12)	Original Contract Substantial Completion Date	<u>March 5, 2011</u>
(13)	Original Contract Final Completion Date	<u>May 9, 2011</u>
(14)	New Contract Substantial Completion Date	<u>March 21, 2011</u>
(15)	New Contract Final Completion Date	<u>May 25, 2011</u>

AREA 5 CHANGE ORDER HISTORY			
No.	Description	Change in Contract Price	Change in Contract Time
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 th St.	\$ 720.00	0 Days
6	Pre-Existing Asphalt Damage Repairs Repair Subsiding Road – Harbor & Aviation	\$ 145,000.00	14 Days
7	Replace D-Pit with A-Pit	\$ 13,879.27	2 Days
8	Deduction of Original US-1 Corridor Work Additive Recalculation of US-1 Corridor Work	\$ 902,067.90	0 Days
9	<i>Resident Change Requests</i>	\$ 126,534.06	0 Days
TOTAL		\$1,376,574.23	16 Days

**INCREASE
RIDER**

Rider to be attached to and form a part of Bond Number 6597706 , dated the 15th day of Oct , 2008 , executed by Safeco Insurance Company of America (the "Surety") on behalf of Lanzo Construction Co., Florida (the "Principal") in favor of City of Marathon (the "Obligee")

It is understood and agreed that the penal sum of the attached bond is hereby increase from

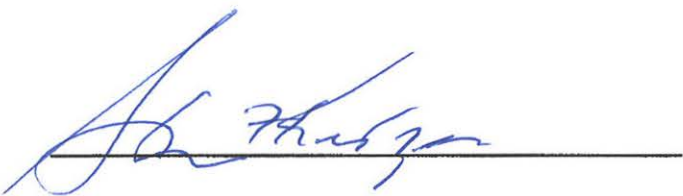
Nineteen Million One Hundred Twenty Six Thousand Nine Hundred Forty Nine and 00/100 (\$ 19,126,949.00) Dollars to Twenty Million Five Hundred Three Thousand Sixty Eight and 23/100 (\$ 20,503,068.23) Dollars said increase being applicable only as to acts or omissions occurring on or after the 11th day of January , 2011 .

This change is effective 11th day of January , 2011 .

The attached bond shall be subject to all of its terms, conditions and limitations except as herein modified.

Signed, sealed and dated this 17th day of March , 2011 .

WITNESS or ATTEST:




LANZO CONSTRUCTION CO., FLORIDA
(Principal)

By  (Seal)

Name:

Title:

SAFECO INSURANCE COMPANY OF AMERICA

By  (Seal)
Michelle K. Buechel Attorney-In-Fact



POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No. 12639

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

*****LINDA L. AUSTIN; ANNE M. BARICK; MICHELLE K. BUECHEL; T. R. GUY; ROBERT D. HEUER; PAUL M. HURLEY; C. A. JOHNSON; MARGARET M. KOHLOFF; KRISTYN M. LANGBEEN; MICHAEL D. LECHNER; Troy, Michigan*****

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg

T. A. Mikolajewski

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 17th day of March, 2011



Dexter R. Legg

Dexter R. Legg, Secretary