

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-14**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 18 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 \$425,006.52; 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 6 unanticipated water mains on US Highway 1 were found to be in conflict with the sewer main; and

WHEREAS, in order to resolve the issues so Globetec may continue its work the sewer main must be relocated into the highway median; and

WHEREAS, Change Order No. 18 is an additive change order to the Contract, in the amount of \$425,006.52, for the proposed additional work, and also includes an additional 58 calendar days to provide time for completion of the project.

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

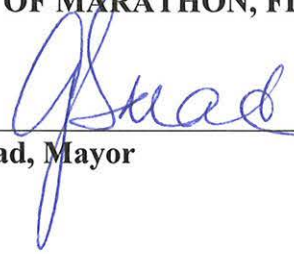
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 18, to the Contract between the City and Globetec in an amount not to exceed \$425,006.52 and granting an additional 58 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: Ramsay, Keating, Cinque, Snead
NOES: Worthington
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. 18

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.

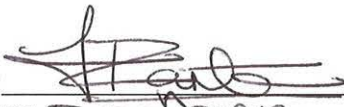
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under 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: ROGER HENSTADT
Title: CITY MANAGER

By: 
Name: Jorge Fonte
Title: vice president

2-26-2010

END OF SECTION

EXHIBIT A

Backup to Proposed Change Order Number 18 to the GlobeTec Area 4 & 6 Collection System Contract

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Contract Change
1.	Additional Area 6 US-1 Redesign - Water Main Conflicts	\$0.00 NA	\$487,506.52	-\$62,500.00	\$425,006.52
Total Net Change Order =					\$425,006.52

Item Narrative

The vacuum collection system was designed to accommodate existing utilities based on record drawings and other information provided by the other utilities that had underground infrastructure in the US 1 corridor. As the design neared completion, the drawings were sent to those utilities for review. The other utilities did not adjust the locations of their infrastructure or indicate that the locations were not accurate. However, as construction was begun, the field personnel marked the locations of their infrastructure, revealing that locations of the utilities on the record drawings were inaccurate and that additional underground infrastructure also existed in the area. Globetec conducted exploratory digging to verify the location of the marked utilities and provided the information to Weiler Engineering. Weiler Engineering redesigned the vacuum collection system to maintain the required separation. In the redesign, the vacuum mains had to be moved into the median of the highway from Sydowski Causeway north, but the information provided still allowed for the vacuum main to remain off the highway in a 2400 foot run approximately from Sydowski Causeway to 122nd Street on the Gulf side of US 1. The City issued a change order to Globetec for the revised scope of work.

As the work progressed, it was found that an additional third water main was marked that had previously not been marked. Digging confirmed that there was a main there. The excavation was moved toward the travel lane to provide separation, but a fourth, unmarked water main was discovered as well. The local water utility indicated that the discovered main was active. With four water mains in the ROW, it was not possible to maintain separation without moving into the travel lanes. It was necessary to redesign the portion of the US 1 corridor from the causeway to 122nd Street a second time, moving the vacuum into the median of the highway.

The redesign placed the vacuum main in the median and added several lane crossings that previously had not been needed, significantly increasing construction costs. At the City's request, Weiler Engineering asked GlobeTec Construction to provide pricing for the costs associated with these changes. Weiler Engineering has reviewed GlobeTec's proposal and recommends approval in the amount of \$487,506.52 for this scope of work.

These costs will be offset by the Area 6 Contract items that will no longer be installed and paid for due to the plan revision. These cost savings are estimated to be approximately \$62,500 for 6" vacuum mains, 4" vacuum mains, 6" gate valves, and 4" gate valves that are no longer required.

In order to perform the work specified in this change order, a modification to the current FDOT permit for work in the Area 6 US-1 Corridor will be required. It will take an estimated 4 weeks to collaborate with FDOT and obtain the modified permit. In addition to the Contract price adjustment above and the time required to obtain a permit modification, GlobeTec Construction has requested an extension of contract time of 30 days in order to conduct the work listed above, for a total extension of **58 DAYS** for Contract 2, the Area 6 Wastewater and Stormwater Project.

AREA 6	Days to Substantial Completion	Days to Final Completion	Substantial Completion Date	Final Completion Date
Original Time	330	360	February 25, 2009	March 27, 2009
Revised Time: All Change Orders	747	777	April 18, 2010	May 18, 2010



January 19, 2010

Letter No: 1407 / 0112
Via: Hand Delivered

The Weiler Engineering Corporation
5800 Overseas Highway – Suite 36
Marathon, FL 33050

Att.: Mr. Ed Castle
Vice President

Ref.: City of Marathon – Service Areas 4 & 6 Wastewater & Stormwater Project.

Subject: Change Order Request #58 Revised – Redesign of proposed Vacuum Sewer at the US1 Corridor of Area 6

Dear Mr. Castle,

In accordance with our latest discussion in regards to GTC's letter No.1407/0111 dated 1/14/2010; the following is our updated correspondence.

Please allow this letter to serve as the compilation and substantiation of the terms of the agreement reached this date between our firms regarding the above referenced subject. The following agreement is to be construed as a whole understanding as it relates to the different individual items tabulated herewith as follows:

1.- Redesign of proposed Vacuum Sewer at US1 – Area 6 (From Sta. 342+05 to Sta. 365+75).

It was agreed that the monetary compensation for the additional work involved (over and above the applicable contract items included in this segment) with the design revisions made on US 1 Area 6 from Station 342+50 to Station 365+75 equates to \$ 487,506.52 as per the Terms and Conditions of the attached extra work breakdown (Extra Work – 58 – Rev. # 2 Final) dated 1/19/10.

2.- Contract Time Extension alternatives for Area 4/6 portions of the Work.

It is agreed and recognized that the aforementioned changes in the work have caused a negative impact on the progress of the project and therefore a Contract Time Extension is necessary to mitigate the associated time impacts to the completion of the project. The necessary time extension of Thirty Days in connection with the extra work from the latest approved time extension described herewith is as follows:

Regular Schedule.....(Substantial/Final Completion dates)

- Service Area 4 – Substantial Completion date March/17/2010
- Service Area 4 – Final Completion date..... May/16/2010
- Service Area 6 – Substantial Completion date April/23/2010
- Service Area 6 – Final Completion date..... May/16/2010

Mr. Edward Castle, P.E.
January 19, 2010

In order to avoid further impacts to the successful completion of this very important project for the citizens of Marathon, your prompt execution of this change order covering all the items mentioned above is appreciated

Please do not hesitate to contact me if you need additional information or with any questions you may have.

Sincerely,
GlobeTec Construction



Ricardo Delfino
Project Manager

RD/km
w/ attachments

cc. : File

ITEM #		DESCRIPTION			
Extra Work - 58 REVISED		Additional work effort in connection with the design revisions made on US 1 Area 6 From Sta 366+00 to +/- 342+00			
A.- Labor Requirements					
Description	Qty	Regular Rate (hr) *	Regular Hrs 130.00	Overtime Hrs 0.00	Amount
Superintendent	1	50.00	6,500.00	0.00	6,500.00
Foreman	1	32.50	4,225.00	0.00	4,225.00
Excavator Operator	1	20.00	2,600.00	0.00	2,600.00
Loader Operator	1	18.00	2,340.00	0.00	2,340.00
Combination Operator	2	16.00	2,080.00	0.00	4,160.00
Pipe Layer	1	18.00	2,340.00	0.00	2,340.00
Pipe Tender	1	15.00	1,950.00	0.00	1,950.00
Skilled Labor	2	12.00	1,560.00	0.00	3,120.00
Unskilled Labor	2	10.00	1,300.00	0.00	2,600.00
Driver	1	15.00	1,950.00	0.00	1,950.00
Sub Total					31,785.00
55% Labor Burden :					17,481.75
Total Labor :					49,266.75
B.-Equipment Requirements					
Description	Qty	Rate/Hr	Fuel & Maintenance	Duration (Hrs)	Amount
CAT 325D Excavator	1	50.00	39.64	130.00	11,653.20
CAT 938 Front End Loader	1	23.81	22.98	130.00	6,082.70
John Deer. Hoe Combination w/hammer	1	15.25	18.45	130.00	4,381.00
CAT 420E 4WD Ext. Hoe Combination	1	8.74	14.76	130.00	3,055.00
Vermeer 1250 Trencher	1	31.42	50.27	130.00	10,619.96
18 CY On-Highway Dump Truck	1	24.69	49.89	130.00	9,695.40
2000 Gal Water Truck	0.5	7.33	15.15	130.00	1,461.20
Reversible Plate Compactor 15000 #	1	5.21	3.87	130.00	1,180.40
Laymor 8HC Power Road Sweeper	0.5	4.50	6.75	130.00	731.25
1/2 Ton Pick-up Truck - 4x4 WD Crew Cab	1	4.00	11.82	130.00	2,056.60
Miscellaneous Hand Tools	0	1.70	0.43	130.00	0.00
8' X 20' Steel Road Plates	0	2.50	0.00	130.00	0.00
Double Drum Steel Roller CAT CB22	1	6.63	6.90	130.00	1,758.90
AIRVAC Vacuum Test Pump	0.5	7.10	2.49	130.00	623.22
Vactrom PMD550DT Vacuum Unit	0.5	10.65	3.73	130.00	934.84
Kenworth Flat Bed Truck 45K GVW	0.5	15.99	25.93	130.00	2,724.80
CAT 299C Compact Track Loader	1	11.32	11.85	130.00	3,012.10
Sub Total					59,970.57
C.-Material					
Description	Qty	Unit	Rate (w/tax)		Amount
Sub Total					0.00

ITEM #	DESCRIPTION				
Extra Work - 58 REVISED	Additional work effort in connection with the design revisions made on US 1 Area 6 From Sta 366+00 to +/- 342+00				
D.-Subcontractor Requirements					
Subcontractor	Qty	Unit	Rate (w/tax)	Duration	Amount
MOT	31	D	1,275.00		39,525.00
Surveying	6	D	2,500.00		15,000.00
Temporary Asphalt	340	SY	37.00		12,580.00
Asphalt Pavement (2"of S-12.5 + 1" of FC-9.5)	1102	SY	62.00		68,337.78
Pavement Markings	1	LS	6,800.00		6,800.00
Heavy Duty Rock Trencher	13	D	3,000.00		39,000.00
Tree Removal and Disposal	1	LS	10,000.00		10,000.00
Soil Testing	1	LS	2,500.00		2,500.00
Truck Hauling	2	Hourly	45.00	200.00	18,000.00
Curb Repair	2100	LF	30.00		63,000.00
Sub Total					274,742.78
E.- Misc. Requirements					
Description	Qty	Unit	Rate (w/tax)	Duration	Amount
Trench Restoration/flowable fill method	44	SY	87.00		3,866.67
Limerock Base 12"	100	SY	35.00		3,500.00
Mobilization of Asphalt Subcontractor	1	EA	5,000.00		5,000.00
Sub Total					12,366.67
Sub Total					\$396,346.77
Overhead and Profit Allowance (10%,10%)					\$79,269.35
Sub Total					\$475,616.12
Bond & Insurance :			2.50%		\$11,890.40
				GRAND TOTAL :	\$487,506.52

GRAND TOTAL CHANGE ORDER REQUEST No. 41 :

\$487,506.52

TERMS AND CONDITIONS :

- This proposal is based on revised Area 6 Drawings # SS34,SS35,SS36,SS37 dated 4/14/2009 - PRELIMINARY
- This proposal is based on FDOT Utility Permit # 09 - H 692 025 dated 8/21/2009
- The additional costs covered by this proposal are costs over and above the applicable contract items included in the above referenced segment(s). All the applicable contract quantities will be measured and paid for as provided in the Contract documents.
- Contract Time Extension required to mitigate the schedule impact of this change to be determined upon receipt of a fully executed Change Order for this extra work
- This proposal may be withdrawn by GTC if not accepted within Thirty (30) days.
- This proposal is subjected to revisions in order to correct any error/omission
- Pricing does not include permit fees . Permit procurement by others
- No consideration was given to cost associated with conflict structures Conflict structures are not shown on Drawings
- Restoration of landscaping is limited to bahia sod replacement

Arch Insurance Company
New York, New York

INCREASE RIDER

Bond No: SU1032208

Amount of Bond : \$19,255,400.00

Principal: GlobeTec Construction LLC
4747 N Powerline Rd.
Deerfield Beach, FL 33073

Hereby increased to: \$21,075,667.65

Obligee: City of Marathon, Florida
9805 Overseas Highway
Marathon, FL 33050

Project: City of Marathon Service Area 4 Wastewater and
Stormwater Project-Contract I, Line Work

As of the 24th day of June
from the sum of \$19,255,400.00

2008, the amount of the above described bond increased
to the sum of \$21,075,667.65

but the liability of the Surety for any acts or defaults occurring before the effective date hereof shall in no event exceed the sum first named, and the aggregate liability for any and all acts and defaults, whenever committed, shall in no event exceed the sum last named, it being the intent here of to preclude cumulative liability. This certificate, when signed by the principal, shall become a part of the said bond.

Signed, sealed and dated this 23rd day of February, 2010.

Arch Insurance Company

By: Mary C. Aceves
Mary C. Aceves, Attorney - in - Fact

I hereby consent to the above increase.

Witness my hand and seal this 23rd day of February, 2010.

GlobeTec Construction, LLC

By: [Signature] (Seal)
Principal

AREA 6 COLLECTION

POWER OF ATTORNEY

Know All Men By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal office in Kansas City, Missouri (hereinafter referred to as the "Company") does hereby appoint

Mary C. Aceves, Warren M. Alter, Charles D. Nielson, Charles J. Nielson, David R. Hoover and Gicelle Pajon of Miami Lakes, FL (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds and undertakings

EXCEPTION: NO AUTHORITY is granted to make, execute, seal and deliver bonds or undertakings that guarantee the payment or collection of any promissory note, check, draft or letter of credit.

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The Company may revoke this appointment at any time.

The execution of such bonds and undertakings in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office in Kansas City, Missouri.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on March 3, 2003, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings, obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on March 3, 2003:

VOTED, That the signature of the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on March 3, 2003, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.


In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 1st day of May, 2008.

Arch Insurance Company

Attested and Certified


Martin J. Nilsen, Secretary

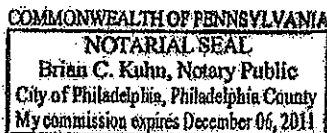



J. Michael Pete, Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

I, Brian C. Kuhn, a Notary Public, do hereby certify that Martin J. Nilsen and J. Michael Pete personally known to me to be the same persons whose names are respectively as Secretary and Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.

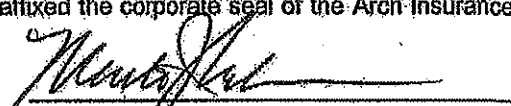



Brian C. Kuhn, Notary Public
My commission expires 12-06-2011

CERTIFICATION

I, Martin J. Nilsen, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated May 1, 2008 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said J. Michael Pete, who executed the Power of Attorney as Vice President, was on the date of execution of the attached Power of Attorney the duly elected Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 23rd day of February, 2010.


Martin J. Nilsen, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Surety
3 Parkway, Ste. 1500
Philadelphia, PA 19102



INCREASE RIDER

Bond No: SU1032260

Amount of Bond : \$9,660,780.00

Principal: GlobeTec Construction LLC
4747 N Powerline Rd.
Deerfield Beach, FL 33073

Hereby Increased to: \$10,258,403.61

Obligee: City of Marathon, Florida
9805 Overseas Highway
Marathon, FL 33050

Project: City of Marathon Service Area 4 Wastewater and Stormwater
Project-Contract I, Line Work, Additive Alternate (Area 6)

As of the 24th day of June
from the sum of \$9,660,780.00

2008, the amount of the above described bond increased
to the sum of \$10,258,403.61

but the liability of the Surety for any acts or defaults occurring before the effective date hereof shall in no event exceed the sum first named, and the aggregate liability for any and all acts and defaults, whenever committed, shall in no event exceed the sum last named, it being the intent here of to preclude cumulative liability. This certificate, when signed by the principal, shall become a part of the said bond.

Signed, sealed and dated this 23rd day of February, 2010.

Arch Insurance Company

By: Mary C. Aceves
Mary C. Aceves, Attorney - in - Fact

I hereby consent to the above increase.

Witness my hand and seal this 23rd day of February, 2010.

GlobeTec Construction, LLC

By: [Signature] (Seal)
Principal

Area 4 Collection

POWER OF ATTORNEY

Know All Men By These Presents:

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Mary C. Aceves, Warren M. Alter, Charles D. Nielson, Charles J. Nielson, David R. Hoover and Gicelle Pajon of Miami Lakes, FL (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds and undertakings

EXCEPTION: NO AUTHORITY is granted to make, execute, seal and deliver bonds or undertakings that guarantee the payment or collection of any promissory note, check, draft or letter of credit.

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The Company may revoke this appointment at any time.

The execution of such bonds and undertakings in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office in Kansas City, Missouri.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on March 3, 2003, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings, obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on March 3, 2003:

VOTED, That the signature of the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on March 3, 2003, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 1st day of May, 2008.

Arch Insurance Company

Attested and Certified



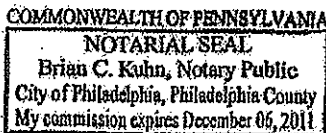
Martin J. Nilsen
Martin J. Nilsen, Secretary

J. Michael Pete
J. Michael Pete, Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

I, Brian C. Kuhn, a Notary Public, do hereby certify that Martin J. Nilsen and J. Michael Pete personally known to me to be the same persons whose names are respectively as Secretary and Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Brian C. Kuhn
Brian C. Kuhn, Notary Public
My commission expires 12-06-2011

CERTIFICATION

I, Martin J. Nilsen, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated May 1, 2008 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said J. Michael Pete, who executed the Power of Attorney as Vice President, was on the date of execution of the attached Power of Attorney the duly elected Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 23rd day of February, 2010.

Martin J. Nilsen
Martin J. Nilsen, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Surety
3 Parkway, Ste. 1500
Philadelphia, PA 19102



**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-14**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 18 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 \$425,006.52; 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 6 unanticipated water mains on US Highway 1 were found to be in conflict with the sewer main; and

WHEREAS, in order to resolve the issues so Globetec may continue its work the sewer main must be relocated into the highway median; and

WHEREAS, Change Order No. 18 is an additive change order to the Contract, in the amount of \$425,006.52, for the proposed additional work, and also includes an additional 58 calendar days to provide time for completion of the project.

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

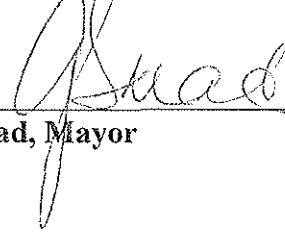
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 18, to the Contract between the City and Globetec in an amount not to exceed \$425,006.52 and granting an additional 58 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: Ramsay, Keating, Cinque, Snead
NOES: Worthington
ABSENT: None
ABSTAIN: None

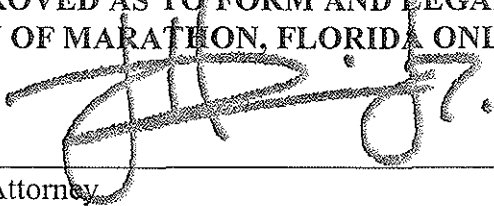
ATTEST:



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