

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-39**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 8 TO CONTRACT DATED AUGUST 24, 2009 WITH LANZO CONSTRUCTION COMPANY (IN THE AMOUNT OF \$19,459,494) FOR CONSTRUCTION OF STORMWATER AND WASTEWATER COLLECTION SYSTEM IN SERVICE AREA 5 INCREASING CONTRACT PAYMENT IN AN AMOUNT NOT TO EXCEED \$1,000,000.00; 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, the City of Marathon (the "City") entered into a contract with Lanzo Construction Company ("Lanzo") for Construction of Service Area 5 Stormwater and Wastewater Collection System Project (the "Project") in August of 2009 (the "Contract"); and

WHEREAS, an additive Change Order to the Contract price in an amount not to exceed \$1,000,000.00, is required due to unforeseen underground utility conflicts in the Project.

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

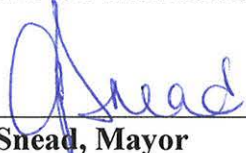
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No.8, to the Contract between the City and Lanzo attached hereto as "Exhibit A," is hereby approved together with such non-material changes as may be acceptable to the City Manager and approved as 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 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 13th DAY OF APRIL, 2010.

THE CITY OF MARATHON, FLORIDA



Ginger Shead, Mayor

AYES: Keating, Ramsay, Worthington, Snead
NOES: None
ABSENT: Cinque
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. 8

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: April 13, 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

By: 
Name: Roger Hernstadt
Title: City Manager

By: 
Name: James M. Till
Title: Project Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 8
Project Title 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>\$19,474,466.27</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 902,067.90</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$20,376,534.17</u>
(5)	Original Contract Time	<u>915 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>931 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>931 Days</u>
(9)	Original Contract Substantial Completion Date	<u>March 5, 2011</u>
(10)	New Contract Substantial Completion Date	<u>March 21, 2011</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Relocation of Sewer Piping in US-1 Corridor

Description of Change: Relocate a large portion of the sewer piping throughout the Area 5 US-1 Corridor from the roadway shoulder into the travel lanes.

Reason for Change: Due to discrepancies between the record drawing locations for water mains and communications conduit provided by local utility authorities and the actual field locations of these utilities, several design changes were required in order to avoid a conflict with the proposed sewer pipe locations. These design changes will move a large portion of the sewer pipe into the US-1 travel lanes, thus significantly increasing the production rate, restoration and maintenance of traffic costs imposed on the Contractor.

Weiler Engineering calculated the deductive costs from the original scope of the US-1 Corridor work, see Table 1 below (-\$717,932.10) and combined this deduction with the lump sum proposal for the redesigned US-1 Corridor work submitted by Lanzo Construction (\$1,620,000.00). Weiler Engineering has reviewed Lanzo's proposal and recommends that the City approve the combined additive and deductive amount of \$902,067.90 for the additional scope of work.

Change in Contract Price: \$ 902,067.90

Change in Contract Time: 0 Days

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	<i>Deduction of original US-1 Corridor Work Additive Recalculation of US-1 Corridor Work</i>	<i>\$902,067.90</i>	<i>0 Days</i>
TOTAL		\$ 1,250,040.17	16 Days

Table 1 – Area 5 U.S.-1 deductive quantity calculations

Lanzo Quantity Deduct for Original US 1 Design

A	B	C	D	E	F
ITEM #	ITEM DESCRIPTION	DEDUCTIVE			Total Amount
		UNIT	QTY	\$/Unit	
1	4-inch SDR 21 PVC Pipe for Vacuum Sewer Line	LF	681	\$40.00	\$27,246.00
2	6-inch SDR 21 PVC Pipe for Vacuum Sewer Line	LF	1861	\$42.00	\$78,164.10
3	8-inch SDR 21 PVC Pipe for Vacuum Sewer Line	LF	5947	\$45.00	\$267,615.00
4	10-inch SDR 21 PVC Pipe for Vacuum Sewer Line	LF	2642	\$60.00	\$158,517.00
8	12-inch DR 11 HDPE US Highway 1 Crossing	LS	1	\$80,000.00	\$80,000.00
10	3-inch Gate Valve	EA	5	\$1,000.00	\$5,000.00
11	4-inch Gate Valve	EA	9	\$1,100.00	\$9,900.00
12	6-inch Gate Valve	EA	3	\$1,300.00	\$3,900.00
13	8-inch Gate Valve	EA	7	\$1,900.00	\$13,300.00
14	10-inch Gate Valve	EA	4	\$2,700.00	\$10,800.00
15	Vacuum Service Pits Type A	EA	6	\$6,300.00	\$37,800.00
16	Vacuum Service Pits Type B	EA	2	\$6,800.00	\$13,600.00
18	3-inch Vacuum Service with Crossover Connection	LF	89	\$60.00	\$5,340.00
19	6-inch Gravity Service Lateral	LF	43	\$50.00	\$2,150.00
20	6-inch Gravity Service Cleanout	EA	10	\$460.00	\$4,600.00
				TOTAL :	\$717,932.10