

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2010-44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO.1 TO CONTRACT DATED MAY 26, 2009 WITH INTRASTATE CONSTRUCTION CORP. TO CONSTRUCT THE SERVICE AREA 3 WASTEWATER TREATMENT PLANT (IN THE AMOUNT OF \$2,061,000) INCREASING CONTRACT PAYMENT IN AN AMOUNT NOT TO EXCEED \$2,989,487, FOR CONSTRUCTION OF WASTEWATER TREATMENT PLANT IN SERVICE AREA 7, AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon (the “City”) entered into a contract with the Intrastate Construction Corp. (“Intrastate Construction”) for construction of service area 3 wastewater treatment plant in May of 2009 (the “Contract”); and

**WHEREAS**, the City desires to expand the Project’s scope of work to include service area 7 wastewater treatment plant; and

**WHEREAS**, Change Order No. 1 is an additive change order to the contract price in the amount of \$2,989,487. The revised project will maximize the City’s federal funding reimbursement potential.

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

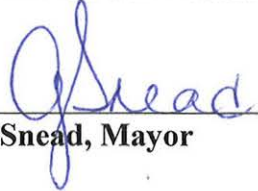
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The Change Order No. 1, to the Contract with Intrastate Construction attached hereto as “Exhibit A,” 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 27<sup>th</sup> DAY OF APRIL, 2010.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Ginger Snead, Mayor**

AYES: Ramsay, Keating, Worthington, Cinque, 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. 1

TO: City of Marathon

PROJECT: City of Marathon Service Area 3 Wastewater Treatment Facility Project Contract dated May 26, 2009, in the amount of \$2,061,000.00.

ENGINEER: The Weiler Engineering Corporation

CONTRACTOR: Intrastate Construction Corp.

DATE: April 27, 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 \$ 2,061,000.00 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: [Signature]  
Name: Mayor T. Hornstault  
Title: City Mgr

By: [Signature]  
Name: BE H. BROWN JR.  
Title: VICE PRESIDENT

END OF SECTION

## CHANGE ORDER SUMMARY

Change Order No.               1            
Project Title         Area 3 Wastewater Treatment Facility Project  
Bid No.                          N/A            
Owner:                 City of Marathon  
Contractor:            Intrastate Construction Corp.  
Agreement Date:      May 26, 2009

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>\$ 2,061,000.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 2,061,000.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 2,984,487.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 5,045,487.00</u>
(5)	Original Contract Time	<u>300 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>360 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>360 Days</u>

# EXHIBIT "A"

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## CHANGES ORDERED

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### ITEM 1 – Transfer Area 7 WWTP Project Work into the Area 3 WWTP Project Contract

**Description of Change:** The scope of work for the Area 7 Wastewater Treatment Facility Project will be transferred into the Area 3 Wastewater Treatment Facility Project Contract.

**Reason for Change:** City Staff advised Weiler Engineering to obtain a pricing proposal from Intrastate Construction, currently under contract with the City of Marathon, for the work included with the Area 7 Wastewater Treatment Facility Project. Weiler Engineering has reviewed the submitted proposal and recommends approval of the not to exceed amount of \$2,984,487.00 for this scope of work.

**Change in Contract Price:** \$2,984, 487.00

**Change in Contract Time:** To be determined at a later date

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