

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-45**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 6 TO CONTRACT DATED JULY 22, 2008 (IN THE ORIGINAL AMOUNT OF \$1,685,911.42) WITH ATLANTIC CIVIL, INC., INCREASING CONTRACT IN AN AMOUNT NOT TO EXCEED \$2,400,000 FOR CONSTRUCTION OF A PORTION OF SERVICE AREA 3 COLLECTION SYSTEM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY AND TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") entered into a contract with the Atlantic Civil, Inc. ("ACI") for construction of Little Venice Phase II Stormwater and Paving project (the "Project") in July of 2008 (the "Contract"); and

WHEREAS, the City desires to expand the Project's scope of work to include a portion of service area 3 collection system construction; and

WHEREAS, Change Order No. 6 is an additive change order to the Contract Price in an amount not to exceed \$2,400,000.

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. 6, to the Contract with ACI attached hereto as "Exhibit A," together with such non-material changes as may be acceptable to the City Manager and approved as to form 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 27th DAY OF APRIL, 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: City of Marathon Little Venice Phase 2 Stormwater and Paving Project,
Contract dated July 22nd, 2008

CONTRACTOR: Atlantic Civil, Inc.

DATE: April 27, 2010

This Change Order will authorize the following change to the Agreement:

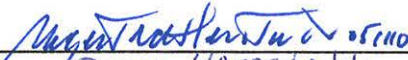
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

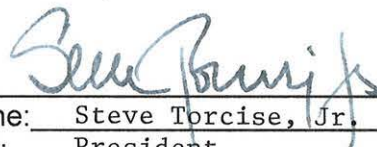
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 1,685,911.42 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
Atlantic Civil, Inc.

By: 
Name: Roger Hernstadt
Title: City Manager

By: 
Name: Steve Torcise, Jr.
Title: President

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 6
Project Title Little Venice Phase II Stormwater and Paving Project
Bid No. N/A
Owner: City of Marathon
Contractor: Atlantic Civil, Inc.
Agreement Date: July 22nd 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>\$1,685,911.42</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$1,770,867.89</u>
(3)	Total Proposed Change in Contract Price	<u>\$2,400,000.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$4,170,867.89</u>
(5)	Original Contract Time	<u>210 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>322 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>322 Days</u>
(9)	Original Contract Substantial Completion Date	<u>May 9, 2009</u>
(10)	Previously Adjusted Contract Substantial Completion Date	<u>August 29, 2009</u>
(11)	New Contract Substantial Completion Date *	<u>TBD</u>

* The additional scope of work introduced by this change order will reset the Substantial Completion Date, which will be determined at a later date.

CHANGES ORDERED

ITEM 1: Transfer of Area 3 Phase II Work into Little Venice Phase II Contract

Description of Change: Transfer the Area 3 Phase II scope of work currently included in the Area 3 Sewer and Stormwater Project into the contract for the Little Venice Phase II Stormwater Project.

Reason for Change: City Staff advised Weiler Engineering to obtain pricing proposals for the work included in Area 3 Phase II from several of the Contractors currently under contract with the City of Marathon. Weiler Engineering has reviewed the submitted proposals and has determined that Atlantic Civil, Inc., presently under the Little Venice Phase II Stormwater and Paving Project contract, offered pricing for this change that would be most beneficial to the City and recommends approval of the not to exceed amount of \$2,400,000.00 for this scope of work.

Change in Contract Price: **\$2,400,000.00**

Change in Contract Time: **TBD**

CHANGE ORDER SUMMARY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Time Extension	\$ 0.00	112 Days
2	Raising Sewer Valves and Pits and Type C Grates	\$ 20,274.10	0 Days
3	Misc items described in change order	\$ 74,556.71	0 Days
4	Asphalt Leveling Course on 1 st Ave	\$ 9,900.00	0 Days
5	Area 3 Contract Quantity Balancing Change Additional Asphalt Leveling Course on 1 st Ave Modified Well Control Structure Lid	-\$ 19,774.34	0 Days
6	Transfer Area 5 US-1 Work to LVPII Contract	\$2,400,000.00	
TOTAL		\$2,484,956.47	112 Days