

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2010-67**

**A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 2 AND 3 TO CONTRACT DATED DECEMBER 14, 2009 (IN THE ORIGINAL AMOUNT OF \$856,366.71) WITH ATLANTIC CIVIL, INC. FOR CONSTRUCTION OF THE SOMBRERO BEACH ROAD EXTENSION PROJECT; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$98,006.54, AND EXTENDING THE CONTRACT TIME BY 69 DAYS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDERS ON BEHALF OF THE CITY, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in December of 2009, the City of Marathon (the "City") entered into a contract with Atlantic Civil, Inc ("ACI") for construction of the Sombrero Beach Road Extension Project ("Contract"); and

**WHEREAS**, upon commencement of construction, several water main, stormwater and wastewater line conflicts, and other issues were identified requiring additional work to accommodate the proposed storm sewer system; and

**WHEREAS**, Change Order No. 2 is an additive change order to the Contract, increasing the contract in the amount of \$77,673.37, and extending the contract completion date by 43 days; and

**WHEREAS**, Change Order No. 3 is an additive change order to the Contract, increasing the contract in the amount of \$20,333.17, and extending the contract completion date by 26 days; and

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

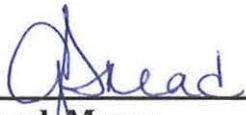
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Change Orders No. 2 and No. 3, to the Contract between the City and ACI in an amount not to exceed \$98,006.54 and extending the contract completion date by 69 days, attached hereto as "Exhibit A," together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney is hereby approved. The City Council hereby authorizes the City Manager to execute the Change Orders on behalf of the City and expend 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 13<sup>TH</sup> DAY OF JULY, 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 # 2

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TO: City of Marathon

**PROJECT:** Sombrero Beach Road Extension Contract Dated December 14, 2009

**CONSTRUCTION ENGINEER:** City of Marathon

**CONTRACTOR:** Atlantic Civil, Inc.

**DATE:** July 7, 2010

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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 Atlantic Civil, Inc. for all costs, expenses, overhead, and profit, and any damages of every kind that Atlantic civil, Inc. may incur in connection with the above referenced changes in the Design Work or any other effect on any of the Construction Work under this Agreement. Atlantic Civil, Inc. acknowledges and agrees that (a) the Guaranteed Maximum Price of \$856,518.17 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. Atlantic Civil, Inc. 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.

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CITY OF MARATHON  
a Florida municipal corporation

Name: Roger T. Hernstadt

Title: City Manager

Atlantic Civil, Inc.

BY: 

Name: Steve Torcise, Jr.

Title: President

Exhibit "A"

**Exhibit "A"**

**CHANGE ORDER SUMMARY**

Change Order No. 2  
Project Title Sombrero Beach Road Extension  
Bid No. N/A  
Owner: City of Marathon  
Contractor: Atlantic civil, Inc.  
Agreement Date: January 19, 2010

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>\$856,365.71</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$856,518.17</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 77,520.91</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$934,039.08</u>
(5)	Original Contract Time	<u>180 Days</u>
(6)	Proposed Change in Contract Time	<u>48 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>180Days</u>
(7)	Total Proposed Change in Contract Time	<u>48 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>228 Days</u>
(9)	Original Contract Substantial Completion Date	<u>June 10, 2010</u>
(10)	New Contract Substantial Completion Date	<u>July 28, 2010</u>

Item Narrative

Upon commencement of construction, several conflicts were determined with the depth of an existing water main, sanitary lines and storm sewer, requiring several additional fittings to accommodate the proposed storm sewer system. The water main depth also presented an issue with construction activities over the shallow line, and additional measures are required to protect the water main. Severe erosion caused by the weather at the western most end of the beach was determined to be an issue, and best corrected under this project, as well as a needed retaining wall for adjustment due to severe grade changes within private property adjacent to the R/W. Additional work is required to provide a transition to the recently completed Sombrero Beach Road, which said work was completed after these plans were completed.

<b>Sombrero Beach Road Extension ROAD CHANGE ORDER HISTORY</b>					
<b>Item No.</b>	<b>Current Contract Amount</b>	<b>Additive Change</b>	<b>Deductive Change</b>	<b>Net Change Contract Price</b>	<b>Net Change Contract Time</b>
1	\$856,365.71	\$152.46	\$0	\$152.46	0days
2	<u>\$856,518.17</u>	\$121,262.94	\$43,742.03	\$77,520.91	48Days
<b>Total</b>		<b>\$121,415.40</b>	<b>\$43,742.03</b>	<b>\$77,673.37</b>	<b>48 Days</b>

CHANGE ORDER # 3

TO: City of Marathon

**PROJECT:** Sombrero Beach Road Extension Contract Dated December 14, 2009

**CONSTRUCTION ENGINEER:** City of Marathon

**CONTRACTOR:** Atlantic Civil, Inc.

**DATE:** July 7, 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 Atlantic Civil, Inc. for all costs, expenses, overhead, and profit, and any damages of every kind that Atlantic civil, Inc. may incur in connection with the above referenced changes in the Design Work or any other effect on any of the Construction Work under this Agreement. Atlantic Civil, Inc. acknowledges and agrees that (a) the Guaranteed Maximum Price of \$934,039.08 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. Atlantic Civil, Inc. 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.

CITY OF MARATHON  
a Florida municipal corporation

By: 

Name: Roger T. Hernstadt

Title: City Manager

Atlantic Civil, Inc.

By: 

Name: Steve Torcise, Jr.

Title: President

Exhibit "A"

**Exhibit "A"**

**CHANGE ORDER SUMMARY**

Change Order No. 3  
Project Title Sombrero Beach Road Extension  
Bid No. N/A  
Owner: City of Marathon  
Contractor: Atlantic civil, Inc.  
Agreement Date: January 19, 2010

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>\$856,365.71</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$934,039.08</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 20,333.17</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$954,372.25</u>
(5)	Original Contract Time	<u>180 Days</u>
(6)	Proposed Change in Contract Time	<u>21 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>228Days</u>
(7)	Total Proposed Change in Contract Time	<u>69 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>249 Days</u>
(9)	Original Contract Substantial Completion Date	<u>Jun 10, 2010</u>
(10)	New Contract Substantial Completion Date	<u>August 18, 2010</u>

**Item Narrative**

Prior to the commencement of construction, the City installed a reclaim water main along Sombrero Beach Road to Avenida Primacera. The reclaim water line needs to be extended further down Sombrero Beach Road to the existing connection point of the Park's irrigation system. This work is best accomplished by the contractor already mobilized on site, and will eliminate disturbance to the newly constructed facilities at a later date.

<b>Sombrero Beach Road Extension ROAD CHANGE ORDER HISTORY</b>					
<b>Item No.</b>	<b>Current Contract Amount</b>	<b>Additive Change</b>	<b>Deductive Change</b>	<b>Net Change Contract Price</b>	<b>Net Change Contract Time</b>
1	\$856,365.71	\$152.46	\$0	\$152.46	0days
2	\$856,518.17	\$121,262.94	\$43,742.03	\$77,520.91	48Days
3	\$934,039.08	\$20,333.17	\$0	\$20,333.17	21 Days
<b>Total</b>		<b>\$141,748.57</b>	<b>\$43,742.03</b>	<b>\$98006.54</b>	<b>69 Days</b>