

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-80**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO CONTRACT DATED MARCH 10, 2009 WITH O.A.C., FOR THE INSTALLATION OF THE SERVICE AREA 5 PUMP STATION (IN THE ORIGINAL AMOUNT OF \$1,429,235.00) TO EXTEND THE CONTRACT TIME AN ADDITIONAL 30 DAYS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in March 2009, the City of Marathon (“City”), contracted with O.A.C. (“Contractor”) for the installation of the Service Area 5 Pump Station (“Project”); and

WHEREAS, due to vendor scheduling conflicts for the start up of vacuum equipment, Contractor has requested a change order for a thirty (30) day time extension to the Project’s completion date; and

WHEREAS, this change order will not impact the Service Area 5 plant construction completion date.

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. 1, 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 27th DAY OF JULY, 2010.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES: Cinque, Keating, Worthington, Ramsay, 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 SUMMARY

Change Order No. 1
Project Title Area 5 Vacuum Pump Station Project
Bid No. N/A
Owner: City of Marathon
Contractor: OAC Action Construction Corporation
Agreement Date: March 10, 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>\$1,429,235.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$1,429,235.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 0.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$1,429,235.00</u>
(5)	Original Contract Time	<u>300 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>300 Days</u>
(7)	Total Proposed Change in Contract Time	<u>45 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>345 Days</u>
(9)	Original Contract Final Completion Date	<u>August 9, 2010</u>
(10)	New Contract Final Completion Date	<u>September 23, 2010</u>

CHANGES ORDERED

ITEM 1

Description of Change: Time extension of 45 days with no change in contract price

Reason for Change: Conflicts in scheduling and installation of the permanent electrical service prevented scheduling of the Airvac equipment startup. Availability of the Airvac startup personnel prevents equipment startup until early- to mid-August.

Change in Contract Price: **\$0.00**

Change in Contract Time: **45 days.** New Substantial Completion Date – August 24, 2010. New Final Completion Date – September 23, 2010

CHANGE ORDER NO. 1

TO: City of Marathon

PROJECT: City of Marathon Service Area 5 Vacuum Pump Station Contract Dated March 10, 2009

CONTRACTOR: OAC Action Construction Corporation

DATE: July 27, 2010

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

Extension of the Contract Time by an additional 45 Calendar Days.


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 \$ 1,429,235.00 under the Agreement will be **unchanged** 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

By: 
Name: Roger T. Hernstadt
Title: City Manager

CONTRACTOR
OAC Action Construction Corporation

By: 
Name: ORLAN DE CRUZ
Title: CEO

END OF SECTION