

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-99**

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 4 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 DUE TO THE AVAILABILITY OF A NO MATCH REQUIRED GRANT; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$72,556.03, AND EXTENDING THE CONTRACT TIME BY 35 DAYS; 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, 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, Change Order No. 4 is an additive change order to the Contract, increasing the contract in the amount of \$72,556.03, and extending the contract completion date by 35 days; and

WHEREAS, this change order primarily deals with landscaping enhancements and adjustments to accommodate existing features which are fully funded by an American Recovery and Reinvestment Act (ARRA) grant.

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

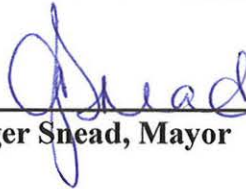
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 4 to the Contract between the City and ACI in an amount not to exceed \$72,556.03 and extending the contract completion date by 35 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 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 14th DAY OF SEPTEMBER, 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 # 4

TO: City of Marathon

PROJECT: Sombbrero Beach Road Extension Contract Dated December 14, 2009

CONSTRUCTION ENGINEER: City of Marathon

CONTRACTOR: Atlantic Civil, Inc.

DATE: September 8, 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 \$954,372.25 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

Atlantic Civil, Inc.

By: 

By: 

Name: Roger T. Hernstadt

Name: Steve Torcise, Jr.

Title: City Manager

Title: President



Exhibit "A"

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 4
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>\$954,372.25</u>
(3)	Total Proposed Change in Contract Price	<u>\$72,556.03</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$1,026,928.28</u>
(5)	Original Contract Time	<u>180 Days</u>
(6)	Proposed Change in Contract Time	<u>43 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>249Days</u>
(7)	Total Proposed Change in Contract Time	<u>112Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>292 Days</u>
(9)	Original Contract Substantial Completion Date	<u>Jun 10, 2010</u>
(10)	New Contract Substantial Completion Date	<u>September 30, 2010</u>

Item Narrative

Due to additional available grant funding, the proposed landscaping for the project will be enhanced to the level initially anticipated in the planning stages of the project. In addition, a portion of a side road is proposed to be slightly elevated to contain the stormwater runoff from the proposed project area. Additional protection to the existing water line is also provided under this change order.

Sombrero Beach Road Extension ROAD CHANGE ORDER HISTORY					
Item No.	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
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
4	\$954,372,25	\$126,565.26	54,009.23	\$72,556.03	43 days
Total		\$268,313.83	\$97,751.26	\$ 170,562.57	112 Days