

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-110**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 19 TO THE CONTRACT DATED AUGUST 8, 2007, WITH GLOBETEC CONSTRUCTION, LLC IN THE ORIGINAL AMOUNT OF \$28,916,180.00 FOR THE CONSTRUCTION OF THE SERVICE AREA 4 & 6 STORMWATER AND WASTEWATER COLLECTION SYSTEMS; DECREASING THE CONTRACT AMOUNT BY \$144,134.90; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in August of 2007 the City of Marathon ("City") entered into a contract with Globetec Construction, LLC ("Globetec") for Construction of the Service Areas 4 & 6 stormwater and wastewater collection systems ("Contract"); and

WHEREAS, Globetec has agreed to the deductive change order in the amount of \$144,134.90 to pay for a third party to prepare the required record drawings; and

WHEREAS, pursuant to Resolution 2011-100 the City Council approved a Work Authorization with Weiler Engineering to prepare the required record drawings

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

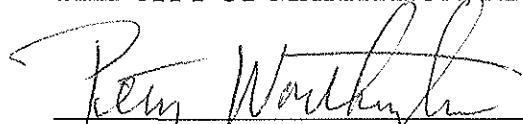
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 19, to the Contract between the City and Globetec 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 8th DAY OF NOVEMBER, 2011.

THE CITY OF MARATHON, FLORIDA



Mayor Pete Worthington

AYES: Cinque, Keating, Ramsay, Snead, Worthington
NOES: None
ABSENT: None
ABSTAIN: None

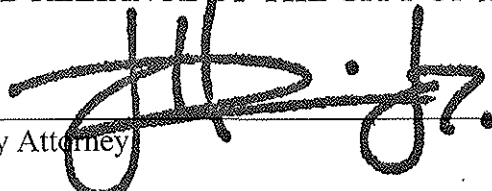
ATTEST:



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

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 19

TO: City of Marathon

PROJECT: City of Marathon Service Area 4 & 6 Wastewater and Stormwater Project Contract dated August 8, 2007, in the amount of \$28,916,180

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Globetec Construction, LLC

DATE: November 1, 2011

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 \$ 28,916,180.00 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]

By: _____

Name: Roger T. Hornstadt

Name: _____

Title: City Manager

Title: _____

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 19
 Project Title Area 4 & 6 Collection System Project
 Bid No. N/A
 Owner: City of Marathon
 Contractor: GlobeTec Construction, LLC
 Agreement Date: August 8, 2007

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>\$28,916,180.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$31,271,571.26</u>
(3)	Total Proposed Change in Contract Price	<u>\$ -144,134.90</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$31,127,436.36</u>

AREA 4

(5)	Original Contract Time – Substantial Completion	<u>720 Days</u>
(6)	Original Contract Time – Final Completion	<u>780 Days</u>
(7)	Current Contract Time (Adjusted by Previous Change Orders)	<u>958 Days</u>
(8)	Total Proposed Change in Contract Time	<u>0 Days</u>
(9)	New Contract Time (Item 6 + Item 7)	<u>958 Days</u>
(10)	Original Contract Substantial Completion Date	<u>September 20, 2009</u>
(11)	New Contract Substantial Completion Date	<u>March 17, 2010</u>
(12)	Original Contract Final Completion Date	<u>November 19, 2009</u>
(13)	New Contract Final Completion Date	<u>May 16, 2010</u>

AREA 6

(14)	Original Contract Time – Substantial Completion	<u>330 Days</u>
(15)	Original Contract Time – Final Completion	<u>360 Days</u>
(16)	Current Contract Time (Adjusted by Previous Change Orders)	<u>777 Days</u>
(17)	Total Proposed Change in Contract Time	<u>0 Days</u>
(18)	New Contract Time (Item 6 + Item 7)	<u>777 Days</u>
(19)	Original Contract Substantial Completion Date	<u>February 25, 2009</u>
(20)	New Contract Substantial Completion Date	<u>April 18, 2010</u>
(21)	Original Contract Final Completion Date	<u>March 27, 2009</u>
(22)	New Contract Final Completion Date	<u>May 18, 2010</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Deduction for the Production of Record Drawings

Description of Change: Adjusting the Contract Amount by subtracting the cost of having record drawings produced by a third party.

Reason for Change: Globete has failed to produce a final and acceptable set of surveyed record drawings as required by the contract.

Scope of Work: N/A

Change in Contract Price: -\$144,134.90

Change in Contract Time: 0 Days

AREA 4 & 6 CHANGE ORDER HISTORY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Sombrero Blvd. Road Repair Airport FM/Elec Work Lynmead Area Road Replacement Tingler Rd. Improvements Asphalt Leveling Course	\$ 69,002.32	0 Days
2	122 nd St. Ocean Road Reconstruction Louisa St. & 39 th St. Intersection City Marina Lift Station & Force Main	\$361,250.00	0 Days
3	Sombrero Blvd. Road Raising Copa d'Oro West Road Raising Avenue K Lynmead Stormwater Modification	\$602,059.00	0 Days
4	Avenida Primiceria Road Raising Camino del Vientos Road Reconstruction Bulevar de Palmas Road Reconstruction Avenue H Road Reconstruction	\$247,730.12	0 Days
5	TIME EXTENSION ONLY	\$ 0.00	46 - 77 Days
6	Sombrero Blvd. Equalization Pipe Sombrero Blvd. Geotex Road Reconstruction Drainage Structure Adjustments Sombrero Blvd. Mill & Resurface Corte Chica & Corte de Luna Mill & Resurface Calzada de Bougainvilla Mill & Resurface 2 nd Ave. Concrete Curb	\$ 24,068.52	0 Days
7	51 st St. Gulf – Relocate Catch Basin	\$ 1,045.50	0 Days

8	Sombrero Blvd. Changes & Overlay Bike Path	\$649,632.20	0 Days
9	Additional 3" Connection at Dockside Lounge	\$ 16,119.39	0 Days
10	TIME EXTENSION ONLY	\$ 0.00	A6 - 127 Days
11	TIME EXTENSION ONLY	\$ 0.00	A4 - 30 Days A6 - 30 Days
12	Area 6 U.S.-1 Redesign Ave. D Injection Well Abandonment Drainage Structure Adjustments Quantity Under-run Adjustments	-\$326,374.61	A6 - 125 Days
13	Avenue K Deductive Scope of Work	-\$161,199.38	0 Days
14	Area 3 Work Shift to Area 4 Calle Ensueno Injection Well Abandonment Loggerhead Ln. Resident Change Modification US-1 Additional 4" Sewer Crossing	\$275,190.06	A4 - 122 Days
15	Spoonbill Sewer/Storm Lateral Modification	\$ 3,617.33	0 Days
16	Asphalt Patch Restoration – 51 st & 52 nd St.	\$ 13,500.00	A4 - 3 Days
17	46 th St. Asphalt Restoration 42 nd St. Water Main Replacement 51 st St. Wendy's Sewer Connection Relocation Sea Dell Motel Additional Sewer Connection 37 th St. Sewer Redesign/Area 3 Work to Area 4	\$154,744.29	A4 - 23 Days
18	Area 6 US-1 Redesign – Water Main Conflicts	\$425,006.52	A6 - 58 Days
19	Deduction for Production of Record Drawings	-\$144,134.90	0 Days
TOTAL – Change Orders to Date		\$2,211,256.36	
TOTAL TIME EXTENSION		Area 4	958 Days
		Area 6	777 Days