

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2011-115**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 5 TO THE CONTRACT DATED MARCH 29, 2011, WITH FOUNTAIN ENGINEERING INC. IN THE ORIGINAL AMOUNT OF \$3,178,745.48, FOR THE CONSTRUCTION OF THE SERVICE AREA 3 STORMWATER AND WASTEWATER COLLECTION SYSTEM; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$271,323.42; EXTENDING SUBSTANTIAL AND FINAL COMPLETION DATES BY 45 DAYS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon, Florida ("City") entered into a contract with Fountain Engineering, Inc. ("Fountain") for the construction of the Service Area 3 Stormwater and Wastewater Collection System Project ("Project") in March of 2011 ("Contract"); and

**WHEREAS**, several changes to the Project have been made since the City and Fountain entered into the Contract that have resulted in an increase in the Contract cost in an amount not to exceed \$271,323.42, including supplemental work in Service Area 3. Contract substantial and final completion dates will be extended 45 days by this Change Order.

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

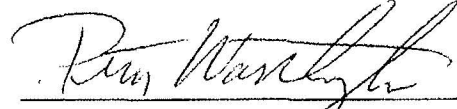
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Change Order No. 5 to the Contract between the City and Fountain attached hereto as Exhibit "A," is hereby approved. The City Manager is authorized to execute the Change Order and expend budgeted funds 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 22<sup>nd</sup> DAY OF NOVEMBER, 2011.

THE CITY OF MARATHON, FLORIDA



Pete Worthington, Mayor

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

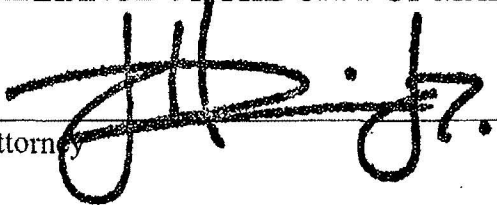
ATTEST:



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. 5

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TO: City of Marathon

PROJECT: City of Marathon Service Area 3 Phase 0 Wastewater and Stormwater Improvements Contract dated March 29, 2011, in the amount of \$3,178,745.48.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Fountain Engineering Inc.

DATE: November 14, 2011

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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.

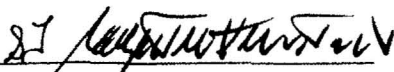
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 3,178,745.48 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. 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.

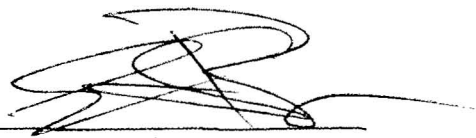
By signing below the parties indicate acceptance of this Change Order as set forth herein.

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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

By:   
Name: Roger Hernstadt  
Title: City Manager

By:   
Name: Ernie Brown  
Title: G.M.

END OF SECTION

### CHANGE ORDER SUMMARY

Change Order No. 5  
Project Title Service Area 3 Phase 0 Wastewater and Stormwater Improvements  
Bid No. N/A  
Owner: City of Marathon  
Contractor: Fountain Engineering Inc.  
Agreement Date: November 14, 2011

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>\$ 3,178,745.48</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 3,258,715.11</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 271,323.42</u>
(4)	<b>New Contract Price (Item 2 + Item 3)</b>	<b><u>\$ 3,530,038.53</u></b>
(5)	Original Contract Time (Substantial)	<u>240 Days</u>
(6)	Original Contract Time (Final)	<u>270 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>10 Days</u>
(8)	Final Completion	<u>10 Days</u>
(9)	Total Proposed Change in Contract Time	<u>45 Days</u>
(10)	<b>Revised Substantial Contract Time (Item 7 + Item 9)</b>	<b><u>295 Days</u></b>
(11)	<b>Revised Final Contract Time (Item 8 + Item 9)</b>	<b><u>325 Days</u></b>
(12)	Original Contract Substantial Completion Date	<u>Nov 25, 2011</u>
(13)	Original Contract Final Completion Date	<u>Dec 25, 2011</u>
(14)	<b>Revised Contract Substantial Completion Date</b>	<b><u>Jan 19, 2012</u></b>
(15)	<b>Revised Contract Final Completion Date</b>	<b><u>Feb 18, 2012</u></b>

# EXHIBIT "A"

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## CHANGES ORDERED

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### ITEM 1 – Increase vacuum main quantities

**Description of Change:** Add quantities to 4" and 6" vacuum main piping and 6" gravity laterals

**Reason for Change:** Correct quantities from estimated quantities estimated in April 2010 after Conquest failure.

**Scope of Work:** Install additional 4" and 6" vacuum piping and 6" gravity laterals to complete the system

**Change in Contract Price:**

Material	Unit \$	QTY	Cost
3" vacuum main with X-over	\$42.06	400	\$16,824.00
4" vacuum main	\$39.24	900	\$35,316.00
6" vacuum main	\$42.93	200	\$8,586.00
6" gravity lateral	\$45.12	750	\$33,840.00
<b>TOTAL</b>			<b>\$94,566.00</b>

**Change in Contract Time:** 0 Days

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### ITEM 2 – Adjust storm pipe quantities

**Description of Change:** Increase quantities of Type A 18" perforated pipe and Type B 18" solid pipe

**Reason for Change:** Correct quantities from estimated quantities estimated in April 2010 after Conquest failure

**Scope of Work:** Install additional 200 linear feet of Type A trench drain with 18" perforated pipe and additional 17 linear feet of Type B trench with solid 18" pipe

**Change in Contract Price:**

Material	Unit \$	QTY	Cost
Type A perforated 18" pipe	\$101.71	200	\$20,342.00
Type B solid 18" pipe	\$97.77	17	\$1,662.09
<b>TOTAL</b>			<b>\$22,004.09</b>

**Change in Contract Time:** 0 Days

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**ITEM 3 – Increase limerock and metallic warning tape quantities**

**Description of Change:** Increase quantities of limerock and metallic warning tape

**Reason for Change** Correct quantities from estimated quantities estimated in April 2010 after Conquest failure.

**Scope of Work:** Install additional 3400 linear feet of limerock trench restoration in roadways and install an additional 2700 linear feet of metallic warning tape.

**Change in Contract Price:**

Material	Unit \$	QTY	Cost
12" limerock base	\$21.59	3400	\$73,406.00
Metallic warning tape	\$5.40	2700	\$14,580.00
<b>TOTAL</b>			<b>\$87,986.00</b>

**Change in Contract Time:** 0 Days

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**ITEM 4 – Increase Type A vacuum pits and decrease Type D vacuum pits**

**Description of Change:** Increase quantities of Type A vacuum pits and decrease quantities of Type D vacuum pits

**Reason for Change** Due to conflicts with water mains at unanticipated depths, Type D pits must be substituted for deeper Type A pits to get under water mains.

**Scope of Work:** Install Type A pits in lieu of Type D pits

**Change in Contract Price:**

Material	Unit \$	QTY	Cost
Type A vacuum pits	\$6,039.29	32	\$193,257.28
Type D vacuum pits	\$5,799.51	-29	-\$168,185.79
<b>TOTAL</b>			<b>\$25,071.49</b>

**Change in Contract Time:** 0 Days

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**ITEM 5 – Increase Remove and Replace Well Control Structure Price**

<b>Description of Change:</b>	Correct typographical error in Contract Schedule of Values by increasing the cost of Remove and Replace Well Control Structure from \$39.24 to the correct cost of \$14,021.42.
<b>Reason for Change</b>	When the Schedule of Values was produced for Council approval, a typographical error occurred. This will be corrected by adding \$13,982.18 to the cost of removing and replacing a well control structure.
<b>Scope of Work:</b>	N/A
<b>Change in Contract Price:</b>	<b>\$13,982.18</b>
<b>Change in Contract Time:</b>	<b>0 Days</b>

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**ITEM 6 – Add two 12” storm drains to improve drainage performance**

<b>Description of Change:</b>	Add two 12” storm drains to enhance drainage at two locations.
<b>Reason for Change</b>	The City wishes to enhance the drainage at two locations. These are isolated areas that tend to hold water after heavy rain events. Addition of two smaller drains, tied into existing trenches, will help to alleviate ponding of water in these areas after heavy rains.
<b>Scope of Work:</b>	Install two 12” storm drains and connect to adjacent trenches to enhance drainage at a cost of \$4,528.55 each
<b>Change in Contract Price:</b>	<b>\$9,057.10</b>
<b>Change in Contract Time:</b>	<b>0 Days</b>

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**ITEM 7 – Modification to 25<sup>th</sup> Street Bridge Crossing**

<b>Description of Change:</b>	Install DIP bridge crossing on inside of guard rail, add concrete encasement
<b>Reason for Change</b>	The City was unable to obtain easements from the owners of the property adjacent to the bridge, creating a need to install the piping on the inside of the concrete guardrail. The change in installation requires concrete support and modifications to the pipe support details, increasing the cost of the construction
<b>Scope of Work:</b>	Install 4” DIP bridge crossing on inside of guardrail. Form concrete and pipe supports per revised plans.
<b>Change in Contract Price:</b>	<b>\$3,325.00</b>

**Change in Contract Time: 0 Days**

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**ITEM 8 – Increase Remove & Replace Type A Vacuum Pits**

**Description of Change:** Increase bid quantity of Remove & Replace Type A vacuum pits

**Reason for Change:** Two additional Type A vacuum pits were found to have been damaged since the initial assessment in April 2010

**Scope of Work:** Remove and replace two Type A vacuum pits at a cost of \$7,665.78 each

**Change in Contract Price: \$15,331.56**

**Change in Contract Time: 0 Days**

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**ITEM 9 – Increase in Contract Time**

**Description of Change:** Increase times for Substantial and Final Completion by 45 calendar days.

**Reason for Change:** Additional work due to increased pipe lengths, changes to drainage plans and correction of Conquest deficiencies.

**Scope of Work:** N/A

**Change in Contract Price: \$0**

**Change in Contract Time: 45 Days**

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<b>Area 3 Phase 0 - Change Order No. 4 Summary</b>			
<b>Item No.</b>	<b>Description</b>	<b>Change in Contract Price</b>	<b>Change in Contract Time</b>
1	Increase sanitary sewer pipe quantities	\$94,566.00	0 Days
2	Adjust storm sewer pipe quantities	\$22,004.09	0 Days
3	Increase limerock and metallic warning tape quantities	\$87,986.00	0 Days
4	Increase Type A and decrease Type D vacuum pits	\$25,071.49	0 Days
5	Correct typographical error in schedule of values	\$13,982.18	0 Days
6	Add two 12" storm drains	\$9,057.10	0 Days
7	Modifications to 25 <sup>th</sup> St. bridge crossing	\$3,325.00	0 Days
8	Increase R&R Type A vacuum pits	\$15,331.56	0 Days



9	Additional contract time	\$0.00	45 Days
<b>TOTAL</b>		<b>\$271,323.42</b>	<b>45 Days</b>

<b>Area 3 Phase 0 - Change Order History</b>			
<b>Change Order No.</b>	<b>Description</b>	<b>Change in Contract Price</b>	<b>Change in Contract Time</b>
1	Time and Materials Additions and Deducts	-\$29,436.76	0 Days
2	Correct Contract Amount Error	\$2,834.36	0 Days
3	Add Vacuum Pits from Other Contracts	\$106,508.91	10 Days
4	Minor Adjustments to Correct Rounding Errors	\$63.12	0 Days
5	Adjust Contract Quantities and Changed Scopes	\$271,323.42	45Days
<b>TOTAL</b>		<b>\$351,293.05</b>	<b>55 Days</b>