

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2011-27**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 4 TO THE CONTRACT DATED MAY 25, 2010, WITH FOUNTAIN ENGINEERING INC. IN THE ORIGINAL AMOUNT OF \$3,571,229.67, FOR THE CONSTRUCTION OF THE SERVICE AREA 7 STORMWATER AND WASTEWATER COLLECTION SYSTEM; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$56,654.37, 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 7 Stormwater and wastewater Collection System Project (“Project”) in May of 2010 (“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 \$56,654.37, including supplemental work in Service Areas 3 and 4.

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

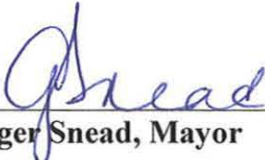
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Change Order No. 4 to the Contract between the City and Fountain attached hereto as Exhibit “A,” is hereby. 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 29<sup>th</sup> DAY OF MARCH, 2011.**

THE CITY OF MARATHON, FLORIDA

  
\_\_\_\_\_  
Ginger Snead, Mayor

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

**ATTEST:**

Diane Clavier  
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. 4

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TO: City of Marathon

PROJECT: City of Marathon Service Area 7 Wastewater and Stormwater Improvements Contract dated May 25th, 2010, in the amount of \$3,571,229.67.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Fountain Engineering Inc.

DATE: March 22, 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 \$ 3,571,229.67 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.

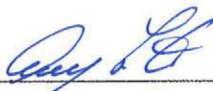
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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

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

By:   
Name: Amy Fountain  
Title: PRESIDENT

END OF SECTION

## CHANGE ORDER SUMMARY

Change Order No. 4  
Project Title Service Area 7 Wastewater and Stormwater Improvements  
Bid No. N/A  
Owner: City of Marathon  
Contractor: Fountain Engineering Inc.  
Agreement Date: May 25, 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>\$ 3,571,229.67</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 3,555,372.14</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 56,654.37</u>
(4)	<b>New Contract Price (Item 2 + Item 3)</b>	<b><u>\$ 3,612,026.51</u></b>
(5)	Original Contract Time (Substantial)	<u>300 Days</u>
(6)	Original Contract Time (Final)	<u>320 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>360 Days</u>
(8)	Final Completion	<u>380 Days</u>
(9)	Total Proposed Change in Contract Time	<u>28 Days</u>
(10)	<b>New Substantial Contract Time (Item 7 + Item 9)</b>	<b><u>388 Days</u></b>
(11)	<b>New Final Contract Time (Item 8 + Item 9)</b>	<b><u>408 Days</u></b>
(12)	Original Contract Substantial Completion Date	<u>May 29, 2011</u>
(13)	Original Contract Final Completion Date	<u>June 18, 2011</u>
(14)	<b>New Contract Substantial Completion Date</b>	<b><u>August 25, 2011</u></b>
(15)	<b>New Contract Final Completion Date</b>	<b><u>September 14, 2011</u></b>

# EXHIBIT "A"

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## CHANGES ORDERED

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### ITEM 1 – Additional Asphalt Cost

**Description of Change:** Asphalt replacement required after relocating sewer lateral services into street.

**Reason for Change:** Due to conflicts with existing utilities that were not shown correctly on the as-built plans provided by others prior to the design of the system, we have had to relocate some storm and sewer lines into the paved areas on Grassy Key. The cost of asphalt patching was included as incidental to the cost of piping in the street. Moving these pipe sections into the street increased the amount of patching, therefore a change order to complete this work is required. Marathon City Staff asked Weiler Engineering to investigate the issues and make changes to the plans as needed. After reviewing the necessary changes Weiler Engineering estimates that approximately 670 square yards of asphalt will be required to complete this work. At the City's request, Weiler Engineering asked the Contractor to provide pricing to perform the aforementioned repairs. Weiler Engineering has reviewed the Contractor's proposal and recommends approval for the amount of \$33,500.00 for this scope of work.

**Scope of Work:**

- Apply asphalt hot patching (12" compacted limerock base, 1½" Type S-1 asphalt), as needed for relocations of services.

#### ADDED ITEMS

Item	Description	Unit	Qty	Unit Price	Total
1	Asphalt Hot Patching	SY	670	\$50.00	\$33,500.00
				<b>TOTAL</b>	<b>\$33,500.00</b>

**Change in Contract Price:** \$33,500.00

**Change in Contract Time:** See item 6.

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### ITEM 2 – Relocate Watermain

**Description of Change:** Relocate water main to install Stormwater injection well

**Reason for Change:** Due to a conflict not shown on the water system record drawings there is a need to relocate an existing water main that is in direct conflict with a proposed stormwater injection well. At the City's request, Weiler Engineering conducted field research and concluded

that relocating the water main was the most viable option. Weiler Engineering obtained approval from FDEP and FCAA for the relocation and asked Fountain to provide pricing for this scope of work. Weiler Engineering has reviewed the costs associated with this work and recommends approval for the amount of \$5,600.

**Scope of Work:**

- Relocate existing 2" watermain per FCAA specifications
- Apply asphalt hot patching (12" compacted limerock base, 1½" Type S-1 asphalt), incidental to relocating watermain

**Change in Contract Price:** \$5,600

**Change in Contract Time:** See item 6.

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**ITEM 3 – Install Catch Basin and Pipe on 46<sup>th</sup> Street**

**Description of Change:** Install catch basin and pipe to connect to Well.

**Reason for Change:** A portion of the parking lot used for Centennial Bank, Tilden's Scuba Center and the Hurricane Grille suffers from frequent flooding after rain events. Because this section of parking lot is located in the FDOT Right-of-Way, no stormwater collection system was originally designed for this area, at the City's direction. Past rain events have highlighted the fact that the flooding in this area is indeed a significant issue and requires attention. With permission from FDOT, City Staff asked Weiler Engineering to determine the most cost-effective method to control the stormwater flooding. There was a well previously approved in Change Order #2 in this area and at the City's request, Weiler Engineering was asked to determine if an additional catch basin would be required to reduce the flooding in the Centennial bank parking lot as well. After survey data was collected it was determined that the well structure located nearest the Hurricane would not alleviate all of the flooding in the area and that a catch basin and associated piping would be required to manage stormwater flowing from the ROW into the Centennial Bank parking area.

At the direction of The City, there was a well previously designed on Guava Ave that was not to be installed. The well control structure had already been ordered by Fountain Engineering and can be used on 46<sup>th</sup> Street. There will need to be an inlet opening core drilled into the side for the storm pipe connecting to the catch basin. Utilizing the unit costs for stormwater installation from Fountain Engineering's Area 7 Contract, Weiler Engineering recommends approval of this change order for the amount of \$8,896.23

**Scope of Work:**

- Install Nyoplast Inlet Structure
- Install 18" ADS Perforated Pipe
- Core Drill Inlet in Well

- Apply asphalt hot patching (12" compacted limerock base, 1½" Type S-1 asphalt), incidental to well control structure installation.
- Grade asphalt to promote positive drainage toward structure.

**ADDED ITEMS**

Item	Description	Unit	Qty	Unit Price	Total
1	Nyoplast Inlet Structure	EA	1	\$3,603.69	\$3,603.69
2	18" Perf. ADS Pipe Type "B" Trench	LF	58	\$82.63	\$4,792.54
3	Core Drill inlet in Well.	LS	1	\$500.00	\$500.00
<b>TOTAL</b>					<b>\$8,896.23</b>

**Change in Contract Price:           \$8,896.23**

**Change in Contract Time:           See item 6.**

**ITEM 4 – Guava Well Structure Relocated**

**Description of Change:**           Well Structure relocation

**Reason for Change:**           At the City's direction, the well that was scheduled to be installed on Guava Avenue has been eliminated. At to the direction of City Staff, the well driller had to mobilize and de-mobilize without doing any work and therefore requested payment to cover those expenses. Weiler Engineering has reviewed their costs and the cost of the well and approves deducting the cost of the well on 46<sup>th</sup> street and adding cost for mobilization. The well control structure that was to be used in this location is now going to be used on 46<sup>th</sup> street. The cost for the well control structure that was approved on 46<sup>th</sup> street is now going to be deducted as we will be using the well control structure that was scheduled for Guava Avenue.

**Scope of Work:**                 Relocate well control structure to 46<sup>th</sup> Street.

**DEDUCTED ITEMS**

Item	Description	Unit	Qty	Unit Price	Total
1	Well Control Structure	EA	1	-\$6,778.62	-\$6,778.62
<b>TOTAL</b>					<b>-\$6,778.65</b>

**ADDED ITEMS**

Item	Description	Unit	Qty	Unit Price	Total
1	Mobilization and Demobilization	LS	1	\$2,000.00	\$2,000.00
<b>TOTAL</b>					<b>-\$4,778.65</b>

**Change in Contract Price:** - \$4,778.65 (deductive)

**Change in Contract Time:** N/A

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**ITEM 5 – Reef II Vacuum Main Installation**

**Description of Change:** Install Vacuum Line at Reef II

**Reason for Change:** The Reef II is located directly behind The Reef Resort and is under different ownership. To accommodate the Reef II property that does not abut the Right Of Way it was necessary to acquire an easement from The Reef Resort to serve them. At the City' request, Weiler Engineering used Fountain Engineering's unit prices from the Area 7 contract to provide pricing for this scope of work. Weiler Engineering has reviewed their costs and recommends approval for the amount of \$13,436.79.

**Scope of Work:**

- Install 220 LF of 4" SDR 21 Vacuum main
- Provide As-builts.
- Apply asphalt hot patching (12" compacted limerock base, 1½" Type S-1 asphalt), incidental to vacuum main installation.

**Change in Contract Price:** \$13,436.79

**Change in Contract Time:** See item 6.

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**ITEM 6 – Contract Time Extension**

**Description of Change:** Add additional time to the Area 7 Construction Project

**Reason for Change:** This work is in addition to the work being performed in Area 7. Due to extra work being performed in the road the Contractor has requested additional time to repair the areas that will be disturbed in the asphalt (Item 1). The investigation of the incorrect as-builts and then field verification to relocate the water main has caused a need for additional days to be added to the contract (Item 2). There is additional work to install the catch basin and pipe on 46<sup>th</sup> Street (Item 3). Installation of the Vacuum main at Reef II requires a time extension of the contract (Item5). The Contractor has also asked for additional time to be added to the work that was approved in change order number 3 for removing and relocating a catch basin. Additionally, in mid December City Staff asked Fountain



Engineering to not work around the Holiday's delaying them 7 days. This time needs to be added to the end of the contract. Weiler Engineering has reviewed the Contractor's proposal for additional time and recommends approval of a Contract time extension of 28 calendar days to both the Substantial and Final completion dates.

Scope of Work: N/A  
 Change in Contract Price: \$ 0.00  
 Change in Contract Time: 28 Days

AREA 7 CHANGE ORDER HISTORY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Contract Sum Calculation Error Correction	-\$ 1.07	0 Days
2	Blue Isle Blvd – Change FM to Gravity	\$ 17,002.06	0 Days
	46 <sup>th</sup> St. Injection Well	\$ 25,796.34	0 Days
	Deduct Stormwater Components	-\$ 63,254.86	0 Days
	Time Extension	\$ 0.00	60 Days
3	Gibson St. Relocate Pump Station	\$ 4,600.00	0 Days
4	<i>Additional Asphalt Overlay</i>	\$ 33,500.00	5 Days
	<i>Relocate Watermain</i>	\$ 5,600.00	2 Days
	<i>46<sup>th</sup> Street Catch Basin/Pipe</i>	\$ 8,896.23	4 Days
	<i>Relocate Guava Avenue Well Control Structure</i>	-\$ 4,778.65	0 Days
	<i>Reef II Vacuum Main Installation</i>	\$ 13,436.79	8 Days
	<i>Relocate Catch Basin DB-045-1 (C.O. 3)</i>	\$ 0.00	2 Days
	<i>Additional Time for not working around Holidays</i>	\$ 0.00	7 Days
<b>TOTAL</b>		<b>\$40,884.84</b>	<b>88 Days</b>

**RIDER**

This Rider to Performance and Payment Bond No. **1913166** issued on behalf of **Fountain Engineering, Inc.** and in favor of the **City of Marathon** for the project known as **City of Marathon Service Area 7 Section 1 Wastewater and Stormwater Project** hereby acknowledges the increase in the contract amount from **Three Million Five Hundred Seventy One Thousand Two Hundred Twenty Nine & 67/100 (\$3,571,229.67)** to **Three Million Six Hundred Twelve Thousand Twenty Six & 51/100 (\$3,612,026.51)**.

All other terms and conditions of Bond No. **1913166** remain unchanged and are in full force and effect.

Signed, sealed, and dated this **30<sup>th</sup>** day **March**, 20**10**

**The Hanover Insurance Company**



By: \_\_\_\_\_  
Peter A. Kessler, Attorney-in-Fact, Licensed

Florida Resident Agent

