

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-36**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE ASSIGNMENT AND ASSUMPTION OF CONTRACT AGREEMENT DATED JANUARY 11, 2011, WITH LANZO CONSTRUCTION COMPANY IN THE ORIGINAL AMOUNT OF \$1,362,782 FOR THE CONSTRUCTION OF THE SERVICE AREA 3 WASTEWATER TREATMENT PLANT; INCREASING THE CONTRACT PRICE IN AN AMOUNT NOT TO EXCEED \$20,654.94 AND ADDING 14 CALENDAR DAYS TO THE SUBSTANTIAL COMPLETION AND FINAL COMPLETION DATES OF THE CONTRACT; 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 (the "City") entered into an Assignment and Assumption of Contract Agreement with Lanzo Construction Company ("Lanzo") for the construction of the Service Area 3 wastewater treatment plant (the "Project") in January of 2011 (the "Agreement"); and

WHEREAS, several changes to the Project have been made since the City and Lanzo entered into the Agreement that has resulted in an increase in the cost of the Project in an amount not to exceed \$20,654.94, and an additional 14 days added to the completion date of the Project.

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

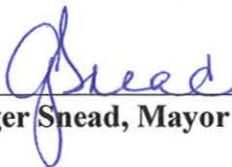
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No.1 to the Agreement between the City and Lanzo 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 10th DAY OF MAY, 2011.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES: Cinque, Keating, Ramsay, Worthington, 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

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 1

TO: City of Marathon

PROJECT: City of Marathon Service Area 3 Waste WWTP Completion Assignment and Assumption of Change Order Agreement dated January 11, 2011, in the amount of \$1,362,782.00

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Lanzo Construction Co.

DATE: April 25, 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 \$1,362,782.00 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 **adding 14 calendar days to Substantial Completion and Final Completion Dates**. 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: 
Name: Roger T. HerinStadt
Title: City Manager

By: 
Name: Michael R Bone
Title: Plant Division Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 1
Project Title Service Area 3 WWTP Completion
Bid No. N/A
Owner: City of Marathon
Contractor: Lanzo Construction Company, Florida
Agreement Date: January 11, 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>\$1,362,782.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$1,362,782.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 20,654.94</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$1,383,436.94</u>
(5)	Original Contract Time (Substantial)	<u>150 Days</u>
(6)	Original Contract Time (Final)	<u>180 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>150 Days</u>
(8)	Final Completion	<u>180 Days</u>
(9)	Total Proposed Change in Contract Time	<u>14 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>164 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>194 Days</u>
(12)	Original Contract Substantial Completion Date	<u>August 7, 2011</u>
(13)	Original Contract Final Completion Date	<u>September 6, 2011</u>
(14)	New Contract Substantial Completion Date	<u>August 21, 2011</u>
(15)	New Contract Final Completion Date	<u>September 20, 2011</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1: 3" Forcemain (American Legion Service)

Description of Change: +/-160 LF of 3" Sewer Force Main, (2) Two Gate Valves, including testing and restoration.

Reason for Change: American Legion Building wastewater connection was not provided as part of collection system construction due to its isolated location in Service Area 4. Once the Area 3 WWTP site was finally chosen it was decided to serve it directly from the Area 3 WWTP.

Contractor provided the proposal to install the service connection. After two sets of review and revisions final proposal resulted in Contract Increase of \$10,963.59.

Change in Contract Price: **\$10,963.59**

Change in Contract Time: **7 Days**

ITEM 1: 6" Forcemain (Area 1 Future Forcemain Connection)

Description of Change: +/-135 LF of 6" Sewer Force Main, (1) Gate Valve, including testing and restoration.

Reason for Change: Due to Area 1 WWTP construction plans abandonment Area 3 WWTP will accept waste water flows from Service Area 1. In order to connect future forcemain along US1 6" piping has to be installed on site of Area 3 WWTP.

Contractor provided the proposal to install the forcemain connection. After two sets of review and revisions final proposal resulted in Contract Increase of \$9,691.35.

Change in Contract Price: **\$9,691.35**

Change in Contract Time: **7 Days**
