

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-47**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING AND CLARIFYING PREVIOUSLY APPROVED CHANGE ORDER NO. 10 TO CONTRACT DATED OCTOBER 14, 2008, WITH LANZO CONSTRUCTION CO., TO WITHHOLD \$10,000, PENDING CLAIMS FROM RETAINAGE OF \$535,269.98; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the "City") entered into a contract with Lanzo Construction Company ("Lanzo") for Construction of Service Area 5 Stormwater and Wastewater Collection System Project (the "Project") in October of 2008 (the "Contract"); and

WHEREAS, on December 14, 2010, Council approved Resolution 2010-133 for an agreed upon change order for additional work completed by Lanzo Construction Co. in the amount of \$122,500.00, less \$14,030.00 in holdbacks for unresolved claims from residents (the "Change Order"); and

WHEREAS, Lanzo refused to execute the approved Change Order because of the holdback contained therein; and

WHEREAS, after further review of the Change Order work, City staff concluded the aforementioned unresolved resident claims are unrelated to the Change Order work and the proper time to address the unresolved claims is at project end and the amount in dispute can be withheld from retainage if needed. Therefore, City staff recommends the Change Order be amended to reflect an increase in the Contract in an amount not to exceed \$122,500.00 (the "Amended Change Order").

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

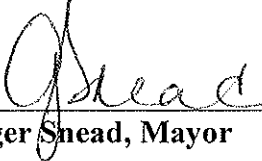
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Amended Change Order to the Contract between the City and Lanzo attached hereto as "Exhibit A," is hereby approved. The City Manager is authorized to execute the Amended 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 14th DAY OF JUNE, 2011.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

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

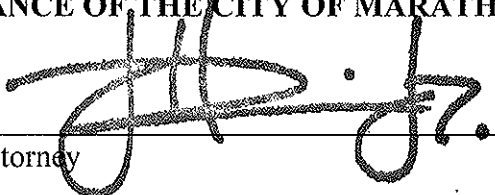
ATTEST:



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. 10

TO: City of Marathon

PROJECT: City of Marathon Service Area 5 Wastewater and Stormwater Project Contract dated September 9, 2008, in the amount of \$19,126,494.00.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Lanzo Construction Co.

DATE: June 14, 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 \$ 19,126,494.00 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]
Name: Roger Hernstadt
Title: City Manager

By: [Signature]
Name: Bob Henry
Title: Assr. Sec.

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 10
Project Title Service Area 5 Collection System Project
Bid No. N/A
Owner: City of Marathon
Contractor: Lanzo Construction Company, Florida
Agreement Date: September 9, 2008

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>\$19,126,494.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$20,503,068.23</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 122,500.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$20,625,568.23</u>
(5)	Original Contract Time (Substantial)	<u>850 Days</u>
(6)	Original Contract Time (Final)	<u>915 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>866 Days</u>
(8)	Final Completion	<u>931 Days</u>
(9)	Total Proposed Change in Contract Time	<u>0 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>866 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>931 Days</u>
(12)	Original Contract Substantial Completion Date	<u>March 5, 2011</u>
(13)	Original Contract Final Completion Date	<u>May 9, 2011</u>
(14)	New Contract Substantial Completion Date	<u>March 21, 2011</u>
(15)	New Contract Final Completion Date	<u>May 25, 2011</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Additional Work Added to Area 5 Collection System

Description of Change: Negotiated lump sum of \$122,500.00 for additional work for the Service Area 5 Wastewater and Stormwater Collection System Project.

Change in Contract Price: \$122,500.00

Change in Contract Time: 0 Days

AREA 5 CHANGE ORDER HISTORY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Aviation Changes	\$ 19,100.00	0 Days
2	Oceanside AT&T Utility Conflicts	\$ 30,441.89	0 Days
3	Shark & Marlin Road Reconstruction	\$ 130,704.90	0 Days
4	Harbor Dr. Sewer/Storm Modification	\$ 8,126.21	0 Days
5	Seal WCS Inlet for S-82 on 79 th St.	\$ 720.00	0 Days
6	Pre-Existing Asphalt Damage Repairs		14 Days
	Repair Subsiding Road – Harbor & Aviation	\$ 145,000.00	
7	Replace D-Pit with A-Pit	\$ 13,879.27	2 Days
8	Deduction of Original US-1 Corridor Work		0 Days
	Additive Recalculation of US-1 Corridor Work	\$ 902,067.90	
9	Resident Change Requests	\$ 126,534.06	
10	<i>Area 5 Additional Work</i>	\$ 122,500.00	<i>0 Days</i>
TOTAL		\$ 1,499,074.23	16 Days