

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-50**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 6 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 \$35,188.22; 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 (the "City") entered into a contract with Fountain Engineering, Inc. ("Fountain") for the construction of the Service Area 7 Stormwater and wastewater Collection System Project (the "Project") in May of 2010 (the "Contract"); and

WHEREAS, this Change Order is necessary to cover unforeseen changes in the work to be performed under the Contract, resulting in an increase in the Contract cost in an amount not to exceed \$35,188.22.

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

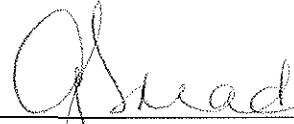
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 6 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 28th DAY OF JUNE, 2011.

THE CITY OF MARATHON, FLORIDA



Ginger Shead, Mayor

AYES: Ramsay, Cinque, Keating, 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

CHANGE ORDER NO. 6

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: June 28, 2011

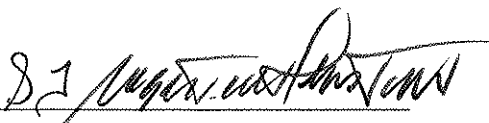
This Change Order will authorize the following change to the Agreement:

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.

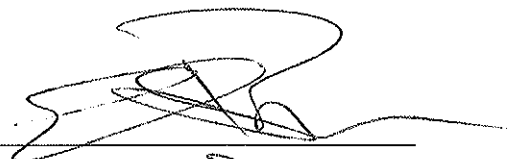
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under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

THE CITY OF MARATHON
a Florida municipal corporation

By: 
Name: Robert T Wernstadt
Title: City Manager

CONTRACTOR

By: 
Name: Ernie Brown
Title: General Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 6
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>\$ 3,589,693.49</u> |
| (3) | Total Proposed Change in Contract Price | <u>\$ 35,188.22</u> |
| (4) | New Contract Price (Item 2 + Item 3) | <u>\$ 3,624,881.71</u> |
| (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>0 Days</u> |
| (10) | New Substantial Contract Time (Item 7 + Item 9) | <u>0 Days</u> |
| (11) | New Final Contract Time (Item 8 + Item 9) | <u>0 Days</u> |
| (12) | Original Contract Substantial Completion Date | <u>May 29, 2011</u> |
| (13) | Original Contract Final Completion Date | <u>June 18, 2011</u> |
| (14) | New Contract Substantial Completion Date | <u>August 13, 2011</u> |
| (15) | New Contract Final Completion Date | <u>September 2, 2011</u> |

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Remove Contaminated Fill

Description of Change: Remove contaminated fill from site

Reason for Change: The issuance of the FDOT permit was delayed until after the construction contract was awarded and work had begun on the side streets. Upon issuance, it was found that the FDOT permit identified a previously unknown petroleum contaminated site within the bounds of the project. At the request of City staff Weiler Engineering coordinated with the Contractor to outline a procedure to meet the excavation and reporting requirements for dealing with the contaminated soil and to determine the cost of the work. The Contractor originally planned on directional drilling the force main but with the contamination will need to trench the location and remove the contaminated fill. The contractor was asked to submit a cost estimate that anticipated the "worst case" scope of work based on the known extents of the contaminated site. Weiler Engineering has reviewed the Contractor's proposal and recommends approval for an amount not to exceed \$32,595.00 for this scope of work.

Scope of Work:

- Remove approximately 115 tons of Contaminated Fill
- Supervision, monitoring and testing by DEP
- Disposal of Material
- Replace with #57 Stone

Change in Contract Price: \$ 32,595.00

Change in Contract Time: N/A

ITEM 2 -- Relocate Valve Box

Description of Change: Remove valve box and assembly

Reason for Change: The valve box and assembly for lift station db-013-2 were set and then required to be moved due to a request by a resident. After consulting with City Staff it was determined that the valve box would be better suited on the other side of the lift station. The Contractor submitted a proposal and it was a minimal expense. In light of the low cost, the City and Weiler are in agreement that relocation of the valve box is in the City's best interest. Weiler Engineering has

reviewed the Contractor's proposal and recommends approval for the amount of \$949.68 for this scope of work.

Scope of Work:

- Relocate Valve box and assembly

Change in Contract Price: \$ 949.68

Change in Contract Time: N/A

ITEM 3 – Install Traffic Rated Valve Box Lid

Description of Change: Install traffic rated valve box lid

Reason for Change: The location of DB-013-2 had to be located in a utility easement that was granted by the residents to serve a property located on the ocean side behind two other properties on Grassy Key. The access road and therefore the easement are very narrow and the lift station is located between the gravel road, a utility pole and the property line. To ensure that residents can still access their driveway for vehicle parking, use of a traffic rated lid on the valve box is required.

Scope of Work:

- Install traffic rated lid on valve box

Change in Contract Price: \$ 1,643.54

Change in Contract Time: N/A

| 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 th 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>Relocate Guava Avenue Well Control Structure</i> | -\$ 4,778.65 | 0 Days |
| | <i>Relocate Catch Basin DB-045-1(C.O. 3)</i> | \$ 0.00 | 2 Days |
| | <i>Add Time for not working around Holidays</i> | \$ 0.00 | 7 Days |
| | 5 | Adjust to Pipe Quantities | \$ 3.96 |
| 6 | <i>Remove contaminated fill</i> | \$ 32,595.00 | 0 Days |
| | <i>Relocate valve box</i> | \$ 949.68 | 0 Days |
| | <i>Install valve box lid</i> | \$ 1,643.54 | 0 Days |

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|--|--------------|--------------------|----------------|
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| | | | |
| | TOTAL | \$53,656.00 | 76 Days |

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