

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-52**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 7 TO THE CONTRACT DATED JULY 26, 2005, WITH WEILER ENGINEERING IN THE ORIGINAL AMOUNT OF \$7,232,751.00, FOR CITY WIDE WASTEWATER ENGINEERING CONSULTING, DESIGN, AND CONSTRUCTION MANAGEMENT SERVICES; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$351,282.00; 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, on July 25, 2005, the City entered into a Contract (the "Contract") with Weiler Engineering Corporation ("Weiler"), whereby Weiler would provide the City with engineering consulting, design and construction management services in connection with wastewater projects in the City (the "Project"); and

WHEREAS; changes in the construction contracts for the Project have increased the amount of effort needed for inspection and contract management and have significantly increased the duration of the Project; and

WHEREAS, as reported during the June 28, 2011 City Council meeting, Weiler's contract maximum will be reached in August, 2011, but the construction projects will not be completed until March, 2012; and

WHEREAS, this adjustment represents full lump sum compensation for the increased effort associated with the above changes to the Project construction contracts. No further adjustments to the Weiler contract will be proposed barring significant, demonstrable changes to Weiler's scope of services arising from circumstances beyond its control.

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

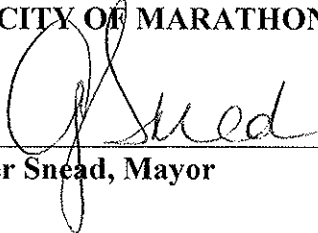
Section 1. The above recitals are true and correct and are incorporated herein

Section 2. Change Order No. 7 to the Contract between the City and Weiler, a copy of which is 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 12th DAY OF JULY, 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. 7

TO: City of Marathon

PROJECT: Wastewater Engineering Consulting, Design, and Construction Management Services Contract
Dated July 26, 2005, In The Original Amount OF \$7,232,751

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Weiler Engineering Corporation

DATE: April 29, 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 **\$7,232,751.00** 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. 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: *Roger T. Hernstadt*

By: *Edward R. Oastre*

Name: Roger T. Hernstadt

Name: EDWARD R. OASTRE

Title: City Manager

Title: VICE PRESIDENT

END OF SECTION

parcel off of Bailey Street. Public opposition caused the abandonment of those plans and specifications and started the entire process from the beginning again. With no land available for the original conceptual plan for on-site and cluster systems to be put in place, a collection system was designed to transport all of the sewage to the current treatment plant site. This requirement changed the quantity of piping in the project design from approximately 4,500 linear feet to over 55,000 linear feet.

The final design included treatment of the entire Grassy Key area at a single plant. The large increase in piping quantities required a large increase in design work as well **expanding the construction management and inspection times from 6 months to 14 months.**

Due to the increased level of effort needed and the extended contract times, there are insufficient funds remaining in the Weiler Engineering contract to complete the construction phase of services. Through a series of meetings, discussions and negotiations, it was determined that a lump sum increase in the amount of \$351,282.00 was warranted and needed for Weiler Engineering to continue providing the needed services for the City of Marathon.