## 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 12<sup>th</sup> DAY OF JULY, 2011.

THE CITX 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

CHANGE	<b>ORDER</b>	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

Roser Thernstadt City Manager

Name: EDWAND ROASIZE

Title: Vice PRESIDON

END OF SECTION

### **EXHIBIT "A"**

Change	Order	No.	7
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Project Title Wastewater Engineering Consulting, Design, and Construction Management

Resolution No.

Owner: <u>City of Marathon</u>

Contractor: Weiler Engineering Corporation

Agreement Date: <u>July 29,2005</u>

# THE FOLLOWING CHANGES ARE MADE TO THE CONTRACT DOCUMENTS:

(4)	New Contract Price (Item 2 + Item 3)	<u>\$11,139,459.99</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 351,282.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$10,788,177.99</u>
(1)	Original Contract Price	<u>\$7,232,751.00</u>

The change in work includes the additional time and resources needed to perform the extended construction inspection, contract administration and GIS services needed for the reasons described below.

# Reasons for Change

### Area 3 Changes

Due to the failures of Conquest Engineering (collection system) and Intrastate Construction (WWTP) in Service Area 3 the level of effort for the engineering, inspection, and contract management has increased dramatically. The scope of work has increased significantly through no fault of the City or Weiler Engineering. Items that could not have been anticipated include: dividing the construction plans and specifications into phases, coordinating the work with six contractors instead of two, including multiple submittal reviews, multiple RFI's, and multiple applications for payment. The delays caused by the failure have also added new dimensions to the work including: coordination with the bonding companies, coordination with multiple lawyers, testing of existing work installed, troubleshooting the existing equipment and piping, verification of existing grades, etc. These events have also caused the **construction project duration to be extended by 10 months** extending the project length to over two years.

#### Area 7 Changes

Service Area 7 has also changed dramatically from the original conceptual design. The originally proposed treatment system consisted of individual home treatment units, cluster systems treating multiple homes and small package plant treating the commercial areas. Due to the lack of availability of land for cluster systems and package treatment plant sites, and public opposition to the siting of plants in residential neighborhoods, the original conceptual design had to be abandoned.

This caused the redesign of not only the wastewater treatment facilities but also a complete redesign of the collection system. A wastewater treatment plant was designed and permitted for a

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.