

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-53**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 3 TO THE CONTRACT DATED OCTOBER 26, 2010, WITH REDLAND COMPANY IN THE ORIGINAL AMOUNT OF \$2,894,418.96, FOR THE LITTLE VENICE PHASE I STORMWATER AND REPAVING PROJECT; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$52,300.00, 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, the City of Marathon (the "City") entered into a contract with the Redland Company ("Redland") for The Little Venice Phase I Stormwater and Repaving Project (the "Project") in October of 2010 (the "Contract"); and

WHEREAS, Redland encountered unstable conditions on 97th Street resulting in the Project being stopped for safety reasons; and

WHEREAS, Change Order No. 3 increases the Contract sum in an amount not to exceed \$52,300.00 and will enable Redland to take necessary measures to prevent trench collapse and stabilize the roadway. The contract completion date will not be changed by this Change Order.

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

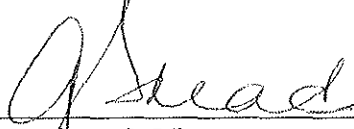
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No.3 to the Contract between the City and Redland 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

CHANGE ORDER NO. 3

TO: City of Marathon

PROJECT: City of Marathon Little Venice Phase 1 Stormwater and Paving Project, contract dated October 26, 2010, in the amount of \$2,894,418.96

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Redland Company

DATE: July 12, 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.

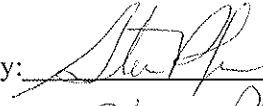
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 2,894,418.96 under the Agreement will be **changed** by this Change Order, and (b) the schedule for performance of Work will be **not 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: 
Name: Roger T. Hernstadt
Title: City Manager

By: 
Name: Steven Pfoh
Title: Construction Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 3
Project Title Little Venice Stormwater and Paving Project
Owner: City of Marathon
Contractor: Redland Company
Agreement Date: October 26, 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>\$ 2,894,418.96</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 2,910,451.96</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 52,300.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 2,962,751.96</u>
(5)	Original Contract Time (Substantial)	<u>300 Days</u>
(6)	Original Contract Time (Final)	<u>330 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>0 Days</u>
(8)	Final Completion	<u>0 Days</u>
(9)	Total Proposed Change in Contract Time	<u>0 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>300 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>330 Days</u>
(12)	Original Contract Substantial Completion Date	<u>Oct 30, 2011</u>
(13)	Original Contract Final Completion Date	<u>Nov 29, 2011</u>
(14)	New Contract Substantial Completion Date	<u>Oct 30, 2011</u>
(15)	New Contract Final Completion Date	<u>Nov 29, 2011</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – 97th Street Road Repairs

Description of Change: Measures to prevent 97th Street trench collapse

Reason for Change: The contractor encountered unstable conditions on 97th Street resulting in the work being stopped for safety reasons. While trenching for the storm drain exfiltration pipe the walls of the sewer and water mains began to collapse due to the existing trenches that were located too close together and poor soil conditions. Weiler Engineering determined that the Contractor would need to step the trenches back to ensure that the walls would not collapse during installation. Weiler Engineering recommends a lump sum agreement to complete all of the trench work on 97th Street for an additional \$52,300.00

Scope of Work:

- Excavate and refill the parallel water and vacuum trenches with #57 Stone
- Install additional filter fabric
- Add additional asphalt patches to repair excess areas

Change in Contract Price: \$ 52,300.00

Change in Contract Time: 0 Days

LITTLE VENICE PHASE 1 CHANGE ORDER HISTORY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Additional asphalt work	\$ 9,500.00	0 Days
2	Relocate catch basin	\$ 6,533.00	0 Days
3	97 th Street	\$ 52,300.00	0 Days
TOTAL		\$68,333.00	0 Days