

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-72**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 7 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; EXTENDING THE CONTRACT BY 60 DAYS FOR SUBSTANTIAL AND FINAL COMPLETION, AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER 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 time of sixty (60) days to both the substantial and final completion dates; October 12th and November 1, 2011, respectively.

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

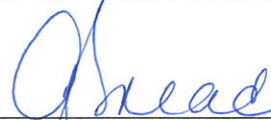
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No.7 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 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 23rd DAY OF AUGUST, 2011.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

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

ATTEST:

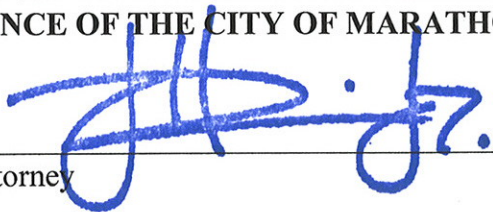


Diane Clavier, City Clerk

(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. 7

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: August 23, 2011

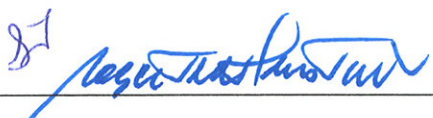
This Change Order will authorize the following change to the Agreement:

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 **not 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: Roger Hernstadt
Title: City Manager

CONTRACTOR

By: 
Name: Ernie Brown
Title: General Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 7
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>\$ 3,624,881.71</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 0,000.00</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>376 Days</u>
(8)	Final Completion	<u>396 Days</u>
(9)	Total Proposed Change in Contract Time	<u>60 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>436 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>456 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>October 12, 2011</u>
(15)	New Contract Final Completion Date	<u>November 1, 2011</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Contract Time Extension

Description of Change: Add additional time to Area 7 Collection System Contract

Reason for Change: Occurrences that were beyond the Contractor's control have provided grounds for a Contract time extension. These occurrences include a delay in the provision of the electrical disconnect for the control panels. When the project was originally awarded the City had direct purchased the disconnects from the manufacturer and upon review by City Staff Building Department it was determined that a different disconnect would need to be installed. During this time it was necessary to research and find the proper replacement that would meet building code and the Contractor was not able to proceed with the scheduled installation for a period of 30 days. A second occurrence was the lack of availability of power poles from FKEC. After delays and negotiations, FKEC elected to not provide and install the power poles, resulting in the contractor having the poles fabricated and self-performing the installation, resulting in a delay of 30 days. Weiler Engineering has reviewed the Contractor's project schedule and based on these delays recommends approval of a Contract time extension of 60 days to both the Substantial and Final completion dates.

Scope of Work: N/A

Change in Contract Price: N/A

Change in Contract Time: 60 Days

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
	<i>Additional Asphalt Overlay</i>	\$ 33,500.00	5 Days
	<i>Relocate Watermain</i>	\$ 5,600.00	2 Days
4	<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	0 Days
	Remove contaminated fill	\$ 32,595.00	0 Days
6	Relocate valve box	\$ 949.68	0 Days
	Install valve box lid	\$ 1,643.54	0 Days
7	<i>Time Extension</i>	\$ 0.00	60 Days
TOTAL		\$53,656.00	136 Days

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