

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-86**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 3 TO THE CONTRACT DATED MARCH 29, 2011, WITH FOUNTAIN ENGINEERING INC. IN THE ORIGINAL AMOUNT OF \$3,178,745.48, FOR THE CONSTRUCTION OF THE SERVICE AREA 3 STORMWATER AND WASTEWATER COLLECTION SYSTEM; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$106,508.91, 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 ("City") entered into a contract with Fountain Engineering, Inc. ("Fountain") for the construction of the Service Area 3 Stormwater and Wastewater Collection System Project ("Project") in March of 2011 ("Contract"); and

WHEREAS, several changes to the Project have been made since the City and Fountain entered into the Contract that have resulted in an increase in the Contract cost in an amount not to exceed \$106,508.91, including supplemental work in Service Area 3.

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

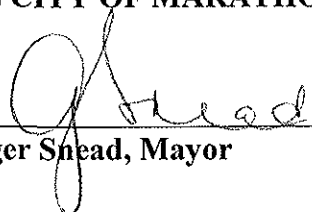
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 3 to the Contract between the City and 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 13th DAY OF SEPTEMBER, 2011.

THE CITY OF MARATHON, FLORIDA



Ginger Shead, Mayor

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

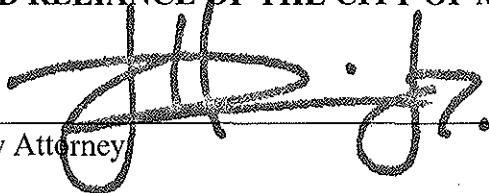
ATTEST:



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

CORRECTED
CHANGE ORDER NO. 3

TO: City of Marathon

PROJECT: City of Marathon Service Area 3 Phase 0 Wastewater and Stormwater Improvements Contract dated March 29, 2011, in the amount of \$3,178,745.48.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Fountain Engineering Inc.

DATE: September 13, 2011

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

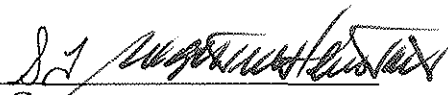
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

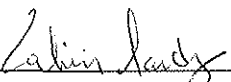
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 3,178,745.48 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: 
Name: Roger Hernstadt
Title: City Manager

By: 
Name: Calicia Landry
Title: MANAGER

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 3
Project Title Service Area 3 Phase 0 Wastewater and Stormwater Improvements
Bid No. N/A
Owner: City of Marathon
Contractor: Fountain Engineering Inc.
Agreement Date: March 30, 2011

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>\$ 3,178,745.48</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 3,152,143.08</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 106,508.91</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 3,258,651.99</u>
(5)	Original Contract Time (Substantial)	<u>240 Days</u>
(6)	Original Contract Time (Final)	<u>270 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>10 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>250 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>280 Days</u>
(12)	Original Contract Substantial Completion Date	<u>Nov 25, 2011</u>
(13)	Original Contract Final Completion Date	<u>Dec 25, 2011</u>
(14)	New Contract Substantial Completion Date	<u>Dec 4, 2011</u>
(15)	New Contract Final Completion Date	<u>Jan 4, 2012</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Install Vacuum Pits

Description of Change: Install additional vacuum pits, laterals and cleanouts.

Reason for Change: There are seven (7) additional vacuum pits that need to be installed in various locations around town in Area 3, and Area 6 which required easements that were not available at the time of bidding in each respective area. There is also one (1) duplex grinder pump station that needs to be installed at the American Legion. The necessary easements have been acquired and at the direction of City Staff Weiler Engineering obtained bids from two separate Contractors working in the area. This work is in addition to the work that the Contractor is doing in Service Area 3 and requires an additional 10 days to be added to the contract. After reviewing the proposals Weiler Engineering recommends approval of this change order in the amount of \$92,413.99 and adding an additional 10 days to the Contract.

Scope of Work:

Location		Amount
smash and crash	vacuum pit, laterals, restoration	\$17,713.45
Methodist Church	vacuum pit, laterals, restoration	\$7,906.98
Keynoter	vacuum pit, laterals, restoration	\$7,168.63
FCAA Oceanside	vacuum pit, laterals, restoration	\$7,168.63
FCAA Bayside	vacuum pit, laterals, restoration	\$7,168.63
Salt, Seamark, & Cavannah	vacuum pit, laterals, restoration	\$15,081.18
Graddick/Wolfe	vacuum pit, laterals, restoration	\$18,206.51
American Legion	DB, forcemain, laterals	\$11,999.98
Total	vacuum pit, laterals, restoration	\$92,413.99

Change in Contract Price: \$92,413.99

Change in Contract Time: 10 Days

ITEM 2 – Relocate Watermain

Description of Change: Relocating watermain on 105th Street West.

Reason for Change:

There is a conflict with a watermain in Little Venice and this will require relocating an existing watermain. After conducting a site visit and having the locations of the existing utilities pot holed it was determined that the watermain would need to be relocated to allow room for the installation of a stormwater well. At the direction of City Staff Weiler Engineering requested proposals from two Contractors that are working in town. Weiler Engineering has reviewed the proposals and recommends approval of this change order in the amount of \$14,094.92.

Scope of Work:

N/A

Change in Contract Price:

\$14,094.92

Change in Contract Time:

0 Days

AREA 3 CHANGE ORDER SUMMARY

No.	Description	Change in Contract Price	Change in Contract Time
1	Time and Materials	\$ 155,000.00	0 Days
	Remove Skim Coat/Leveling Course	-\$ 140,000.00	0 Days
	Remove Type A&B Road Bed	-\$ 139,610.07	0 Days
	Increase Quantities of Infrastructure	\$ 52,173.31	0 Days
	Add Mill and Overlay	\$ 140,000.00	0 Days
	Remove Ocean View Quantities	-\$ 97,000.00	0 Days
2	Contract amount correction.	\$ 2,834.36	0 Days
3	<i>Install Additional Vacuum Pits</i>	\$ 92,413.99	10 Days
	<i>Relocate watermain</i>	\$ 14,094.92	0 Days
TOTAL		\$79,906.51	10 Days