

**CITY OF MARATHON, FLORIDA
RESOLUTION 2012-08**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 6 TO THE CONTRACT DATED MARCH 29, 2011 BETWEEN THE CITY AND FOUNTAIN ENGINEERING CORPORATION, IN THE ORIGINAL AMOUNT OF \$3,178,745.48 FOR SERVICE AREA 3-0 WASTEWATER AND STORMWATER PROJECT; DECREASING THE CONTRACT PRICE BY \$11,048.90; EXTENDING THE SUBSTANTIAL AND FINAL COMPLETION DATES BY 30 DAYS; 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 ("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 a deduction of \$11,048.90 in the Contract price, and an extension of 30 days in the substantial and final completion dates of the Project.

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

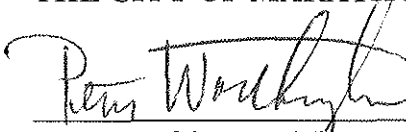
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 6 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 10th DAY OF JANUARY, 2012.

THE CITY OF MARATHON, FLORIDA



Pete Worthington, Mayor

AYES: Cinque, Keating, Ramsay, Snead, Worthington
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. 6

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: December 30, 2011

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

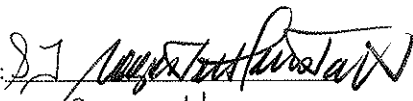
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

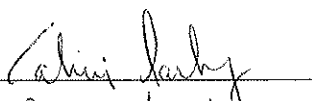
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under 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: Gabriela Landry
Title: Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 6
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: December 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>\$ 3,530,038.53</u> |
| (3) | Total Proposed Change in Contract Price | <u>\$ -11,048.90</u> |
| (4) | New Contract Price (Item 2 + Item 3) | <u>\$ 3,518,989.63</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>295 Days</u> |
| (8) | Final Completion | <u>325 Days</u> |
| (9) | Total Proposed Change in Contract Time | <u>30 Days</u> |
| (10) | New Substantial Contract Time (Item 7 + Item 9) | <u>325 Days</u> |
| (11) | New Final Contract Time (Item 8 + Item 9) | <u>355 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>Feb 18, 2012</u> |
| (15) | New Contract Final Completion Date | <u>Mar 19, 2012</u> |

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Install new point of connection for Trailerama trailer park

Description of Change: Install additional 6" vacuum main and 6" vacuum valve

Reason for Change: To relocate the point of connection and install new 6" vacuum valve for Trailerama in the location reflected in a change requested by the property owner. The connection was installed by Atlantic Civil in the original design location. The City of Marathon has elected to accommodate the change requested by the property owner at Trailerama. In order to install a new point of connection for Trailerama, Fountain must install approximately 200 linear feet of 6" SDR 21 piping and one 6" gate valve.

Scope of Work:

| Location | | Amount |
|--------------|--------------------------------|-------------------|
| Trailerama | 200 linear feet 6" vacuum main | \$8,586.00 |
| Trailerama | 6" gate valve | \$1,117.73 |
| Total | | \$9,703.73 |

Change in Contract Price: \$9,703.73

Change in Contract Time: 0 Days

ITEM 2 – Adjust Quantities in Contract to Balance Over- and Under-Runs

Description of Change: Increase and decrease quantities to reflect anticipated final quantities.

Reason for Change: The quantities of some items will exceed the original estimates while others will be less than estimated. Credits from the under-runs will be used to offset the increases needed for anticipated over-runs.

Scope of Work: See attached backup

Change in Contract Price: -\$108,542.63

Change in Contract Time: 0 Days

ITEM 3 – Adjust Hourly Labor Rates

Description of Change: Adjustment of hourly labor rates

Reason for Change: To reduce the hourly rates charged under Time & Materials. Adjusted pricing is calculated in accordance with contractual requirements

Scope of Work: N/A

Change in Contract Price:

| Position | Current Billing Rate | Adjusted Billing Rate |
|----------------|----------------------|-----------------------|
| Superintendant | \$56.54 | \$51.40 |
| Foreman | \$32.32 | \$29.38 |
| Operator | \$29.08 | \$26.43 |
| Skilled Labor | \$19.39 | \$17.62 |
| Labor | \$18.07 | \$18.42 |
| Pipe Layer | \$25.84 | \$23.49 |

Change in Contract Time: 0 Days

ITEM 4 – 2" S-I Asphalt Course on Ocean Breeze Avenue

Description of Change: Provide funding for 600 square yards of asphalt paving, 2" of Type S-

Reason for Change: Due to the narrow right-of-way and the extensive trenching, there is very little of the original asphalt left. Removal of the remnants of existing asphalt and the placement of a 2" course of Type S-I asphalt will be less costly than milling and patching with S-I followed by an overlay with S-III.

Scope of Work: Saw-cut or mill to remove existing asphalt remnants. Prepare existing limerock roadbed. Apply primer/tack coat and 2" overlay of Type S-I asphalt.

Change in Contract Price:

| Description | Qty | Unit Cost | Total Cost |
|---|-----|-----------|--------------------|
| Roadbed milling & first course overlay, 2" Type S-I | 600 | \$38.06 | \$22,836.00 |

Change in Contract Time: 0 Days

ITEM 5 – Grading and 2" Asphalt Course on Southern Portion of 24th Street

Description of Change: Provide funding grading 750 square yards and for 1400 square yards of asphalt paving, 2" of Type S-I

Reason for Change: Due to the narrow right-of-way and the extensive trenching, there is very little of the original asphalt left. Removal of the remnants of existing asphalt, grading, and the placement of a 2" course of Type S-I asphalt will be less costly than milling and patching with S-I followed by an overlay with S-III.

Scope of Work: Saw-cut or mill to remove existing asphalt remnants. Grade road base to match elevations minus 2" per the drainage plan. Apply seal coat and 2" overlay of Type S-I asphalt. Final grade to match proposed elevations on grading plan.

Change in Contract Price:

| Description | Qty | Unit Cost | Total Cost |
|---|------|-----------|-------------|
| Additional grading and preparation of base, SY | 750 | \$15.56 | \$11,670.00 |
| Roadbed milling & first course overlay, 2" Type S-I, SY | 1400 | \$38.06 | \$53,284.00 |

Total \$64,954.00

Change in Contract Time: 0 Days

ITEM 6 – Increase in Contract Time

Description of Change: Increase Substantial and Final Completion Times.

Reason for Change: Due to work added to the contract through change orders, heavy rains in the fall, higher than expected re-work of previously completed work, and City-requested non-working days (Christmas through New Years), additional time is needed to complete the Area 3 Phase 0 Project scope of work.

Scope of Work: N/A

Change in Contract Price: \$0.00

Change in Contract Time: 30 Days

| AREA 3 CHANGE ORDER 6 SUMMARY | | | |
|-------------------------------|---|--------------------------|-------------------------|
| No. | Description | Change in Contract Price | Change in Contract Time |
| 1 | Install new point of connection for Trailerama | \$9,703.73 | 0 Days |
| 2 | Adjust Quantity Over- and Under-Runs | -\$108,542.63 | 0 Days |
| 3 | Adjustment to labor rates for Time & Materials work | N/A | 0 Days |
| 4 | Ocean Breeze Asphalt | \$22,836.00 | 0 Days |
| 5 | 24 th Street Grading and Asphalt | \$64,954.00 | 0 Days |
| 6 | Additional Contract Time | \$0.00 | 30 Days |
| TOTAL | | -\$11,048.90 | 30 Days |

| AREA 3 CHANGE ORDER HISTORY | | | |
|-----------------------------|--|--------------------------|-------------------------|
| No. | Description | Change in Contract Price | Change in Contract Time |
| 1 | Time and Materials Additions and Deletions | -\$29,436.76 | 0 Days |
| 2 | Correct Contract Amount Error | \$2,834.36 | 0 Days |
| 3 | Add Vacuum Pits from Other Contracts | \$106,508.91 | 10 Days |
| 4 | Minor Adjustments to Correct Rounding Errors | \$63.12 | 0 Days |
| 5 | Adjust Contract Quantities and Changed Scopes | \$271,323.42 | 45 Days |
| 6 | Balance Projected Final Quantities, Misc Changes | -\$11,048.90 | 30 Days |
| TOTAL | | \$340,244.15 | 85 Days |

Backup Documents
For

Area 3 Phase 0 Sewer and Storm water Project
Change Order No. 6

Item No. 1

Install New Point of Connection for Trailerama Trailer Park

Trailerama 6" SDR21 and 6" valve

| Description | Qty | Unit Cost | Total Cost |
|-----------------|-----|------------|------------|
| 6" SDR21 piping | 200 | \$42.93 | \$8,586.00 |
| 6" gate valve | 1 | \$1,117.73 | \$1,117.73 |

Total \$9,703.73

Lori Farthing

From: Lori Farthing [lfarthing@weilerengineering.org]
Sent: Friday, December 16, 2011 4:09 PM
To: 'Ernie Brown'
Cc: 'Caicia Landry'; 'Amy Fountain'
Subject: Trailerama plans
Attachments: Trailerama plans.PDF

Hello Ernie,

Attached please find the plans for the Trailerama 6" pipe installation and 6" gate valve relocation. I will work up the pricing for this based on your unit costs for Area 3 for the quantity of 6" lateral piping necessary plus a little extra and the cost of a newly installed 6" gate valve that should offset the cost of you moving the 6" gate valve to it's new location. I will make this item #1 in change order 6 for Area 3.

Lori Farthing
Weiler Engineering Corporation
305.481.0846

Backup Documents
For

Area 3 Phase 0 Sewer and Storm water Project
Change Order No. 6

Item No. 2

Adjust Quantities in Contract to Balance Over-and Under-runs

Areaw 3 Phase 0, Fountain Contract
 Adjust Quantities for Over- and Under-Runs

| Item | Description | Ut | Unit Price | Contract Qty | Change Qty | Change Amount |
|------|---|-----|------------|--------------|------------|---------------|
| | Bid Items | | | | | |
| 2 | 6" SDR-21 Vacuum Main | LF | \$42.93 | 937 | 400 | \$17,172.00 |
| 4 | Concrete Encasement | LF | \$39.82 | 357 | -100 | -\$3,982.00 |
| 9 | 3" Vac Service line & crossover connection | LF | \$42.06 | 1750 | 100 | \$4,206.00 |
| 11 | 4" Service Line | LF | \$43.54 | 80 | -80 | -\$3,483.20 |
| 13 | 6" Gravity Service Cleanout | EA | \$377.10 | 219 | 10 | \$3,771.00 |
| 17 | Well Control Structures | EA | \$8,871.21 | 9 | -1 | -\$8,871.21 |
| 20 | Concrete Curbing- 6" Width | LF | \$57.79 | 807 | 100 | \$5,779.00 |
| 21 | 1" Roadway Overlay, Type S-3 Asphalt | SY | \$10.98 | 38361 | -2000 | -\$21,960.00 |
| 23 | Asphalt Skim Coat leveling Course Type 3 | TON | \$146.38 | 294 | -200 | -\$29,276.00 |
| 24 | Road Bed Milling & First Course overlay Type S-1, 1-1 | SY | \$23.79 | 8428 | -1500 | -\$35,685.00 |
| 27 | Ocean View Ave-Rework | SY | \$19.52 | 2098 | -2000 | -\$39,040.00 |
| 28 | Ocean View Ave- Limerock | SY | \$15.56 | 2632 | -2300 | -\$35,788.00 |
| 31 | Time & Materials | LS | \$1.00 | 155000 | 65000 | \$65,000.00 |
| | | | | | | |
| | Deficiency Correction Items | | | | | |
| 7 | Testing- Vac Pits & Gravity Laterals | EA | \$327.90 | 53 | 10 | \$3,279.00 |
| 11 | Swale Install in Completed areas | LF | \$37.33 | 5160 | -1000 | -\$37,330.00 |
| 16 | Removal & replacement- Vac Pit Type A | EA | \$7,665.78 | 3 | 1 | \$7,665.78 |

TOTAL #####

Backup Documents
For

Area 3 Phase 0 Sewer and Storm water Project
Change Order No. 6

Item No. 3

Adjust Hourly Labor Rates

From: Ed Castle <edrcastle@me.com>
Subject: T&M Labor rates
Date: December 28, 2011 9:42:04 AM EST
To: Ernie Brown <erniebrown@fountainengineering.net>
Cc: "greghoch@fountainengineering.net Hoch"
<greghoch@fountainengineering.net>, Lori Farthing
<lfarthing@weilerengineering.org>

Ernie,

In working up estimates for the Area 7 change order, I reviewed your labor rates from the Area 3 project. The rates used are in excess of that allowed by the contract. The actual wage + burden was marked up by 20% which is the maximum allowed by contract. Then another 10% of the total was added in the last column. That last 10% is in excess of the allowed markup. I will use the correct amount in my estimates. However, we will have to go back and adjust the rates for the T&M billed in Area 3.

Edward R. Castle, PE
Weiler Engineering Corporation

From: Ed Castle <edrcastle@me.com>
Subject: T&M Labor rate correction
Date: December 28, 2011 11:18:31 AM EST
To: Ernie Brown <erniebrown@fountainengineering.net>, Calicia Landry <calicialandry@fountainengineering.net>
Cc: Lori Farthing <lfarthing@weilerengineering.org>, Kelly Allen <kallen@weilerengineering.org>

See the attached spreadsheet. The time billed through the October pay application is shown. We will need to make the correction as part of the change order we are currently working on. As I stated earlier to Ernie, the spreadsheet for T&M totals labor plus burden, then marks it up 20%, and then marks that total up by another 10%.

Edward R. Castle, PE
Weiler Engineering Corporation

| Position | Billing Rate Used | Corrected Billing Rate |
|-----------------|--------------------------|-------------------------------|
| Superintendant | \$56.54 | \$51.40 |
| Foreman | \$32.32 | \$29.38 |
| Operator | \$29.08 | \$26.43 |
| Skilled Labor | \$19.39 | \$17.62 |
| Labor | \$18.07 | \$18.42 |
| Pipe Layer | \$25.84 | \$23.49 |

Backup Documents
For

Area 3 Phase 0 Sewer and Storm water Project
Change Order No. 6

Item No. 4

2" S-I Asphalt Course on Ocean Breeze Avenue

Ocean Breeze Avenue Paving

| Description | Qty | Unit Cost | Total Cost |
|---|-----|-----------|-------------|
| Roadbed milling & first course overlay, 2" Type S | 600 | \$38.06 | \$22,836.00 |

From: Ed Castle <edrcastle@me.com>
Subject: Ocean Breeze and 24th Street Estimates
Date: December 29, 2011 2:46:30 PM EST
To: Ernie Brown <erniebrown@fountainengineering.net>

I used the same unit cost we agreed to for Blue Isle for the 2" of S-I. For 24th Street, we needed grading and maybe some placement or removal of limerock. I used the unit cost from the Area 3 Oceanview limerock base pricing per SY

Edward R. Castle, PE
Weiler Engineering Corporation

Backup Documents
For

Area 3 Phase 0 Sewer and Storm water Project
Change Order No. 6

Item No. 5

Grading and 2" Asphalt Course on Southern Portion of 24th Street

24th Street S-I Road Restoration

| Description | Qty | Unit Cost | Total Cost |
|--|------|-----------|-------------|
| Additional grading and preparation of base, SY | 750 | \$15.56 | \$11,670.00 |
| Roadbed milling & first course overlay, 2" Type S-I, | 1400 | \$38.06 | \$53,284.00 |

Total \$64,954.00

From: Ed Castle <edrcastle@me.com>
Subject: Ocean Breeze and 24th Street Estimates
Date: December 29, 2011 2:46:30 PM EST
To: Ernie Brown <erniebrown@fountainengineering.net>

I used the same unit cost we agreed to for Blue Isle for the 2" of S-I. For 24th Street, we needed grading and maybe some placement or removal of limerock. I used the unit cost from the Area 3 Oceanview limerock base pricing per SY

Edward R. Castle, PE
Weiler Engineering Corporation

Backup Documents
For

Area 3 Phase 0 Sewer and Storm water Project
Change Order No. 6

Item No. 6

Increase in Contract Time