

**CITY OF MARATHON, FLORIDA
RESOLUTION 2012-40**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 7 TO THE CONTRACT DATED MARCH 29, 2011, WITH FOUNTAIN ENGINEERING INC., IN THE ORIGINAL AMOUNT OF \$3,178,748.48, FOR THE CONSTRUCTION OF SERVICE AREA 3-0 WASTEWATER AND STORMWATER COLLECTION SYSTEMS; DECREASING THE CONTRACT IN THE AMOUNT OF \$7,606.37, EXTENDING DATE FOR SUBSTANTIAL COMPLETION 75 DAYS AND FINAL COMPLETION 60 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 \$7,606.37 in the Contract price, and an extension of 75 days of the Project’s substantial completion date and an extension of 60 days of the Project’s final completion date.

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

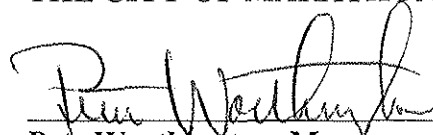
Section 1. The above recitals are true and correct and incorporated herein.

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 10th DAY OF APRIL, 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

CHANGE ORDER NO. 7

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: 3 April 2012

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: *Roger Wernstadt*
Name: Roger Wernstadt
Title: City Manager

By: *Calvin Lundy*
Name: Calvin Lundy
Title: Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 7
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: 3 April 2012

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>\$ 3,518,989.63</u>
(3)	Total Proposed Change in Contract Price	<u>\$ -7,606.37</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 3,511,383.26</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>325 Days</u>
(8)	Final Completion	<u>355 Days</u>
(9)	Total Proposed Change in Contract Time	<u>75 Subst. 60 Final Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>400 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>415 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>May 3, 2012</u>
(15)	New Contract Final Completion Date	<u>May 18, 2012</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Install Water Main and Service Connections for Fisherman’s Village

Description of Change: Install new 4” water main and service taps in Fisherman’s Village. The piping and service taps will be installed with the service lateral extended to the boundary of the common area (roadway). The service lateral will be terminated. Water meters are not included in the scope. The property owners will be responsible for any connection of the new distribution system to their piping.

Reason for Change: The installation of the water main was negotiated between the City and the property owners’ association.

Scope of Work: See plans and specifications

Description	Units	Qty	Unit Cost	Total Cost
4" PVC C-900 Water Main	LF	1900	\$46.17	\$87,723.00
4" Gate Valve and Box	EA	3	\$916.83	\$2,750.49
1" Water Services with Curb Stops and Meter Boxes (no meters)	EA	28	\$1,277.82	\$35,778.96
Mechanical Joint Fittings	LS	1	\$2,733.40	\$2,733.40
Flush-Out Assembly	Ea	2	\$1,251.20	\$2,502.40

Total \$131,488.25

Change in Contract Price: \$131,488.25

Change in Contract Time: 75 Days to Substantial Completion, 60 Days to Final Completion

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: -\$170,015.59

Change in Contract Time: 0 Days

ITEM 3 – Ocean Breeze Pipe Work

Description of Change: Remove and replace 4" vacuum main and adjust storm drainage piping at Ocean Breeze Avenue.

Reason for Change: When Fountain Engineering completed the 4" vacuum main at the western end of Ocean Breeze Avenue, the elevation of the Conquest-installed pipe was incorrect and the connection could not be made. It was necessary to remove and replace a section of 4" vacuum main at the necessary grade. The Conquest-installed storm drainage infrastructure, in the same trench as the vacuum main, impaired the placement of the new 4" vacuum main.

Scope of Work: Remove filter fabric, #57 rock, 4" vacuum main and associated service and fittings. Restrain and adjust exfiltration piping and fittings as needed. Install new 4" vacuum main, services and fittings, and reconstruct exfiltration system.

Change in Contract Price: \$30,920.97

Change in Contract Time: 0 Days

AREA 3 CHANGE ORDER 7 SUMMARY

No.	Description	Change in Contract Price	Change in Contract Time (Final Completion)
1	Fisherman's Point Water Main	\$131,488.25	60 Days
2	Adjust Quantity Over- and Under-Runs	-\$170,015.59	0 Days
3	Ocean Breeze Avenue Pipe Work	\$30,920.97	0 Days
TOTAL		-\$7,606.37	60 Days

AREA 3 CHANGE ORDER HISTORY

No.	Description	Change in Contract Price	Change in Contract Time (Final Completion)
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
7	Add Fisherman's Pt. WM, Balance Quantities, Etc.	-\$7,606.37	60 Days
TOTAL		\$332,673.78	145 Days

**Marthon Area 3 Phase 0
Schedule of Values
Reconcillation 3/31/2012**

Item	Description	Unit	Unit Price	Qty as Adjusted by All Change Orders	Contract Amount as Adjusted by Change Orders	Estimated Final Quantity	Amount Remaining	Balancing CO QTY	Balancing CO amount
Bid Items									
1	4" SDR-21 Vacuum Main	LF	\$39.24	6,530.00	\$256,237.20	6502.00	\$1,098.72	-28.00	-\$1,098.72
2	6" SDR-21 Vacuum Main	LF	\$42.93	1,337.00	\$57,397.41	1307.00	\$1,287.90	-30.00	-\$1,287.90
3	4" Ductile Iron	LF	\$210.53	95.00	\$20,000.35	95.00	\$0.00	0.00	\$0.00
4	Concrete Encasement	LF	\$39.82	257.00	\$10,233.74	195.00	\$2,468.84	-62.00	-\$2,468.84
5	4" Gate Valve	EA	\$890.01	11.00	\$9,790.11	7.00	\$3,560.04	-4.00	-\$3,560.04
6	6" Gate Valve	EA	\$1,117.73	5.00	\$5,588.65	3.00	\$2,235.46	-2.00	-\$2,235.46
7	Type A- Vacuum Pit	EA	\$6,039.29	62.00	\$374,435.98	62.00	\$0.00	0.00	\$0.00
8	Type D- Vacuum	EA	\$5,799.51	12.00	\$69,594.12	12.00	\$0.00	0.00	\$0.00
9	3" Vac Service line & crossover connection	LF	\$42.06	1,850.00	\$77,811.00	1858.00	-\$336.48	8.00	\$336.48
10	3" Service Line	LF	\$45.64	61.00	\$2,784.04	50.00	\$502.04	-11.00	-\$502.04
11	4" Service Line	LF	\$43.54	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
12	6" Gravity Service Lateral	LF	\$45.12	3,475.00	\$156,792.00	3552.00	-\$3,474.24	77.00	\$3,474.24
13	6" Gravity Service Cleanout	EA	\$377.10	229.00	\$86,355.90	231.00	-\$754.20	2.00	\$754.20
14	18" ADS Type A Perforated	LF	\$101.71	2,122.00	\$215,828.62	2043.00	\$8,035.09	-79.00	-\$8,035.09
15	18" ADS Type B Perforated	LF	\$88.78	759.00	\$67,384.02	650.00	\$9,677.02	-109.00	-\$9,677.02
16	18" ADS Type B Solid	LF	\$97.77	70.00	\$6,843.90	70.00	\$0.00	0.00	\$0.00
17	Well Control Structures	EA	\$8,871.21	8.00	\$70,969.68	8.00	\$0.00	0.00	\$0.00
18	12" Injection Well	EA	\$19,150.37	2.00	\$38,300.74	2.00	\$0.00	0.00	\$0.00
19	Drain Inlet Structure	EA	\$3,694.75	28.00	\$103,453.00	26.00	\$7,389.50	-2.00	-\$7,389.50
20	Concrete Curbing- 6" Width	LF	\$57.79	907.00	\$52,415.53	863.00	\$2,542.76	-44.00	-\$2,542.76
21	1" Roadway Overlay, Type S-3 Asphalt	SY	\$10.98	36,361.00	\$399,243.78	32850.00	\$38,550.78	-3511.00	-\$38,550.78
22	Striping	LF	\$3.33	16,903.00	\$56,286.99	2000.00	\$49,626.99	-14903.00	-\$49,626.99
23	Asphalt Skim Coat leveling Course Type 3	TON	\$146.38	94.00	\$13,759.72	0.00	\$13,759.72	-94.00	-\$13,759.72
24	Road Bed Milling & First Course overlay Type S-1, 1-1/4"	SY	\$23.79	6,928.00	\$164,817.12	7156.50	-\$5,436.02	228.50	\$5,436.02
25	Road Bed Replacement- Type A	SY	\$27.45	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
26	Road Bed Replacement- Type B	SY	\$27.45	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
27	Ocean View Ave-Rework	SY	\$19.52	98.00	\$1,912.96	98.00	\$0.00	0.00	\$0.00
28	Ocean View Ave- Limerock	SY	\$15.56	332.00	\$5,165.92	5256.00	-\$76,617.44	4924.00	\$76,617.44
29	Mobilization	LF	\$10,000.00	1.00	\$10,000.00	1.00	\$0.00	0.00	\$0.00
30	Bonds, Insurance, Taxes	LF	\$77,263.96	1.00	\$77,263.96	1.00	\$0.00	0.00	\$0.00
31	Time and materials	LS	\$1.00	220,000.00	\$220,000.00	220000.00	\$0.00	0.00	\$0.00
Total Bid Items					\$2,630,666.44		\$54,116.49		-\$54,116.49

Deficiency Correction Items

1	Concrete Coller for VP	EA	\$244.45	42.00	\$10,266.90	48.00	-\$1,466.70	6.00	\$1,466.70
2	Concrete Coller for Drain Inlet Structure	EA	\$247.95	15.00	\$3,719.25	17.00	-\$495.90	2.00	\$495.90
3	Concrete Coller for Gate Valve Box/ Cleanout	EA	\$121.78	115.00	\$14,004.70	80.00	\$4,262.30	-35.00	-\$4,262.30
4	Remove Fill & Install Metallic Tape	LF	\$5.40	6,138.00	\$33,145.20	5024.00	\$6,015.60	-1114.00	-\$6,015.60
5	Install Trench Lime rock	LF	\$21.59	6,838.00	\$147,632.42	5522.00	\$28,412.44	-1316.00	-\$28,412.44
6	Testing- Vac Lines	EA	\$819.75	15.00	\$12,296.25	15.00	\$0.00	0.00	\$0.00
7	Testing- Vac Pits & Gravity Laterals	EA	\$327.90	63.00	\$20,657.70	59.00	\$1,311.60	-4.00	-\$1,311.60
8	Density Testing- Structures 2	EA	\$120.00	63.00	\$7,560.00	18.00	\$5,400.00	-45.00	-\$5,400.00
9	Density Testing- Structures2/200'	EA	\$60.00	22.00	\$1,320.00	14.00	\$480.00	-8.00	-\$480.00
10	Density Testing- Road Base limerock only 1/200'	EA	\$60.00	14.00	\$840.00	12.00	\$120.00	-2.00	-\$120.00
11	Swale Install in Completed areas	LF	\$37.33	4,160.00	\$155,292.80	2592.00	\$58,533.44	-1568.00	-\$58,533.44
12	Asphalt Hot Patch w/o pipe	SY	\$27.00	4,375.00	\$118,125.00	5400.00	-\$27,675.00	1025.00	\$27,675.00
13	Restoration- 57 rock	SY	\$5.64	1,900.00	\$10,716.00	0.00	\$10,716.00	-1900.00	-\$10,716.00
14	Restoration- 89 rock	SY	\$5.64	1,900.00	\$10,716.00	0.00	\$10,716.00	-1900.00	-\$10,716.00

**Marthon Area 3 Phase 0
Schedule of Values
Reconciliation 3/31/2012**

Item	Description	Unit	Unit Price	Qty as Adjusted by All Change Orders	Contract Amount as Adjusted by Change Orders	Estimated Final Quantity	Amount Remaining	Balancing CO QTY	Balancing CO amount
15	Removal & replacement- 4" Gate Valve & Box	EA	\$2,189.85	1.00	\$2,189.85	2.00	-\$2,189.85	1.00	\$2,189.85
16	Removal & replacement- Vac Pit Type A	EA	\$7,665.78	4.00	\$30,663.12	5.00	-\$7,665.78	1.00	\$7,665.78
17	Removal & replacement- Vac Pit Type B	EA	\$7,921.39	3.00	\$23,764.17	3.00	\$0.00	0.00	\$0.00
18	Removal & replacement- Well Control Structure	EA	\$39.24	1.00	\$39.24	0.00	\$39.24	-1.00	-\$39.24
19	6" Gravity Service Lateral	LS	\$45.12	500.00	\$22,560.00	419.00	\$3,654.72	-81.00	-\$3,654.72
20	Replace Vac Pits	LS	\$6,039.29	3.00	\$18,117.87	0.00	\$18,117.87	-3.00	-\$18,117.87
21	6" Gravity Service Cleanout	LS	\$377.10	38.00	\$14,329.80	36.00	\$754.20	-2.00	-\$754.20
Total Deficiency Items					\$657,956.27		\$109,040.18		-\$109,040.18

Extra Work (See CO3)

1	Smash & Crash Vacuum pit	LS	\$17,713.45	1.00	\$17,713.45	0.00	\$0.00	0.00	\$0.00
2	Methodist Church Vacuum pit	LS	\$7,906.98	1.00	\$7,906.98	0.00	\$0.00	0.00	\$0.00
3	Keynoter Vacuum pit	LS	\$7,168.63	1.00	\$7,168.63	0.00	\$0.00	0.00	\$0.00
4	FCAA Oceanside VP	LS	\$7,168.63	1.00	\$7,168.63	1.00	\$7,168.63	0.19	\$1,362.04
5	FCAA Bayside	LS	\$7,168.63	1.00	\$7,168.63	0.00	\$0.00	0.00	\$0.00
6	Salt, Seamark & Cavannah VP	LS	\$15,081.18	1.00	\$15,081.18	0.00	\$0.00	0.00	\$0.00
7	Graddick/Wolf VP	LS	\$18,206.51	1.00	\$18,206.51	0.00	\$0.00	0.00	\$0.00
8	American Legion pump station	LS	\$11,999.98	1.00	\$11,999.98	0.00	\$0.00	0.00	\$0.00
9	105th Street Water Main	LS	\$14,094.92	1.00	\$14,094.92	0.00	\$0.00	0.00	\$0.00
10	12" Drain McDonalds	Ea	\$4,528.55	2.00	\$9,057.10	0.00	\$0.00	0.00	\$0.00
11	25th St Bridge Crossing	LS	\$3,325.00	1.00	\$3,325.00	0.00	\$0.00	0.00	\$0.00
12	Trailerama Connection	LS	\$9,703.73	1.00	\$9,703.73	0.00	\$0.00	0.00	\$0.00
13	Ocean Breeze Asphalt	SY	\$38.06	600.00	\$22,836.00	0.00	\$0.00	0.00	\$0.00
14	So. Portion 24th St base	SY	\$15.56	750.00	\$11,670.00	0.00	\$0.00	0.00	\$0.00
15	So Porton 24th St Asphalt	SY	\$38.06	1,400.00	\$53,284.00	216.00	\$8,220.96	-216.00	-\$8,220.96
16									
17									
Total Extra Work					\$216,384.74		\$15,389.59		-\$6,858.92

Total Quantities Adjustment for Change Order No. 7 -\$170,015.59