

**CITY OF MARATHON, FLORIDA
RESOLUTION 2012-50**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 9 TO THE CONTRACT DATED MAY 25, 2010 BETWEEN THE CITY AND FOUNTAIN ENGINEERING CORPORATION IN THE ORIGINAL AMOUNT OF \$3,571,229.67, FOR SERVICE AREA 7 WASTEWATER AND STORMWATER IMPROVEMENTS; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$91,863.30; AND EXTENDING THE SUBSTANTIAL AND FINAL COMPLETION DATES BY 127 DAYS; 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 (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, 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 price in an amount not to exceed \$91,863.30, and an extending the substantial and final completion dates of the Project by 127 days.

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. 9 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 8th DAY OF MAY, 2012.

THE CITY OF MARATHON, FLORIDA



Pete Worthington, Mayor

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

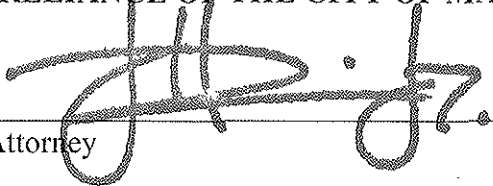
ATTEST:



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. 9

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: May 8, 2012

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

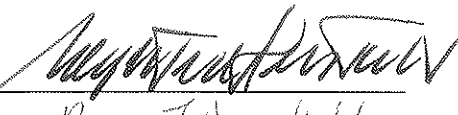
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

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 \$ 3,571,229.67 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.

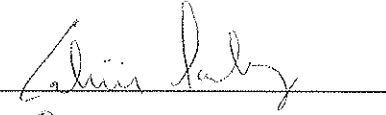
THE CITY OF MARATHON
a Florida municipal corporation

CONTRACTOR

By: 

Name: Roger T Hermsstadt

Title: City Manager

By: 

Name: Colleen Lombay

Title: Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 9
Project Title Service Area 7 Wastewater and Stormwater Improvements
Bid No. N/A
Owner: City of Marathon
Contractor: Fountain Engineering Inc.
Agreement Date: May 8, 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>\$ 3,571,229.67</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 3,693,430.51</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 91,863.30</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 3,785,293.81</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>538 Days</u>
(8)	Final Completion	<u>558 Days</u>
(9)	Total Proposed Change in Contract Time	<u>127 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>665 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>685 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>May 29, 2011</u>
(15)	New Contract Final Completion Date	<u>June 18, 2011</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Additional Asphalt Restoration

Description of Change: Add asphalt mill & patch quantities and limerock tonnage to contract.

Reason for Change: The Public Works Manager has requested that Fountain Engineering correct pre-existing deficiencies in the roadway in preparation for the overlay of the City's streets. This work was not included in the scope of work for the asphalt overlay project in order to lower costs and to avoid potential conflicts regarding asphalt patch work. This work was discussed at the January 10, 2012 Council meeting after which the City Manager executed a Work Directive to Fountain Engineering so that the work could begin.

Scope of Work: See attached spreadsheet.

Change in Contract Price: \$91,863.30

Change in Contract Time: 127 Days

Area 7 - Change Order No. 9 Summary			
Item No.	Description	Change in Contract Price	Change in Contract Time
1	Add Mill & Patch and Limerock	\$91,863.30	127 Days
TOTAL		\$91,863.30	127 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 – 46 th St well	-\$20,456.46	60 Days
3	Gibson St. Relocate Pump Station	\$4,600.00	0 Days
4	Miscellaneous Changes	\$56,654.37	28 Days
5	Adjustment to Pipe Quantities	\$3.96	0 Days
6	Remove contaminated fill	\$35,188.22	0 Days
7	Time Extension	\$0.00	60 Days
8	Various Changes	\$46,211.82	90 Days
9	Add Mill & Patch and Limerock	\$91,863.30	127 Days
TOTAL		\$214,064.14	365 Days

Area 7 asphalt

Street Name	Sheet	Location	SY M&P	CY Limerock	Activity
Blue Isle	SS19A/B		653.3		Remove existing asphalt, install 2" type S-1 asphalt, DO NOT OVERLAY
Crain Street	SS22	5+40' to 8+20'	400.0		mill 1/2" and overlay 1.5" thick
Orange Avenue	SS25	10+75'	3.3		3'x10' mill out watermain trench and hot patch
Orange Avenue	SS25	9+00' to 10+00'	22.2		saw cut and remove 5 sections of EOP and hot patch-ask Louis
Lime Street	SS26		200.0		mill out 1/2" and overlay with 1" vs. 1.5" per contract
Ferriere Street/Tropical	SS27	5+50' on Tropical	11.1		mill down humped up existing patch to grade
Peachtree/Morton Street	SS31	10+05' to 0+30'	33.3	2.8	mill out and rework base if needed and hot patch before overlay in west lane
Tropical/Morton Street	SS31	10+05' to 0+55'	333.3	27.8	mill out from south Morton Eop at intersection, add limerock where needed, and patch
Avocado/Morton Street	SS31	10+08' to 0+43'	77.8		mill out gated entrance to street and patch
Morton	SS32	6+65'	4.0		saw cut and hot patch north 1/2 of FCAA trench
Orange Avenue	SS37	1+50' to 1+75'	30.6	2.5	mill east lane and add lime rock, prune root if needed under asphalt
Lemon Avenue	SS39	3+70' to 5+20'	333.3	38.9	mill out overlay and add limerock to grade (subgrade failure)
Lemon Avenue	SS39	2+20' to 2+55'	77.8	9.1	mill out gatering and add additional lime rock app. 4 to 5" thick in some areas to bring to grade
Tropical Avenue/Crain Street	SS41	?	69.4		intersection of Crain/Tropical needs to be milled out and go 12" either side of intersection
Tropical Avenue/Crain Street	SS41		444.4		from Crain intersection to US1 on Tropical-mill out 200' 1" thickxfull road width
Peachtree Street	SS42	10+00-10+35'	11.7		2 patches needed at north EOP of Morton one is approx. 25'x3' and 10'x3'
Morton Street	SS43	double check	33.3		130x2' wide and 20'x2' wide saw cut and remove north EOP and patch before overlay
Dennison/Kyle			8.9		saw cut and remove radius 4' lengthxwidth of the asphalt
Parrish	SS44	1+70'-2+30'	13.3		approx 60' of eastern lane on EOP needs to be saw cut approx. 2' wide and hotpatched before overlay
Parrish/Goodley	SS44	9+05' and 0+10'	13.3		water main trenches in criss cross pattern need to be milled out and hot-patched before overlay
Parrish	SS44	5+50' to 5+95'	15.0		45'x3' saw cut and patch before overlay on west EOP
Bailey	SS45	10+80' to 1+20'	8.9		saw cut and remove asphalt and hot patch northern EOP approx. 2' x40' section
Gibson Street	SS46	approx 1+00'	1.0	0.2	3'x3' pothole in southern lane needs to be saw cut out, add limerock, and hot patch before overlay
Gibson Street	SS46	approx. 6+50'	11.1		mill out and add hotmatch to low spot in center of roadway
Goodley Street	SS47	approx. 3+25'	6.7		3' wide xwidth of roadway here need to mill and patch FCAA trench
Goodley Street	SS47	6+50'-8+50'	22.2		saw cut, remove, and hot patch southern EOP approx. 1' wide x200 feet long
Banana Road	SS49	13+00 to 17+00'	88.9	29.6	saw cut and remove asphalt, rework base to extend 2' beyond EOP then add lime rock shoulder with an 8:1 slope

Total	2275.0	110.9
Total + 10%	2500.0	122.0
Cost of M&P	\$59,475.00	\$6,697.80
Blue Isle	\$25,690.50	Cost of Limerock

Total Change Order w Blue Isle \$91,863.30

Blue Isle 2" of S-1 \$25,690.50

Blue Isle Mill & Patch Estimate

186.7	Gravity main trench, 4' wide X 420' long
21.0	Patching for manhole excavations, 3 X 7 SY each
10.7	Patching for 6" laterals 4 ea X 3' wide X 8' long
218.3	