

CITY OF MARATHON, FLORIDA
RESOLUTION 2012-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 8 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 IMPROVEMENTS; DECREASING THE CONTRACT IN THE AMOUNT OF -\$121,782.57 AS A FINAL BALANCING CHANGE ORDER; EXTENDING THE DATE FOR SUBSTANTIAL COMPLETION 29 DAYS AND FINAL COMPLETION 44 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, Change Order Number 8 is a \$121,782.57 deductive change order that extends the substantial and final completion dates by 29 and 44 days, respectively; and will close out the Contract.

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

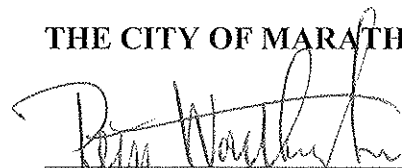
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 8 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 26th DAY OF JUNE, 2012.

THE CITY OF MARATHON, FLORIDA



Pete Worthington, Mayor

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

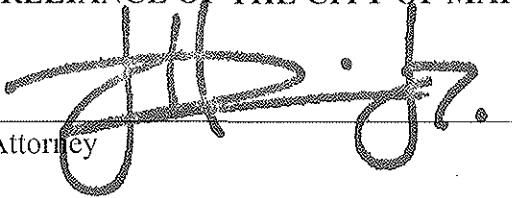
ATTEST:



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. 8

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: 15 June 2012

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

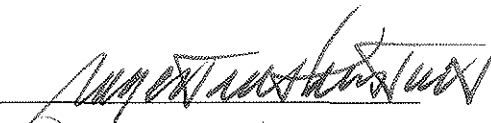
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

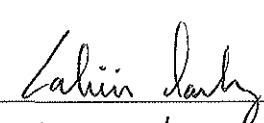
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under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

By: 
Name: Calicia Landry
Title: MANAGER

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 8
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: 29 March 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>\$ 3,511,383.26</u>
(3)	Total Proposed Change in Contract Price	<u>\$ -121,782.57</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 3,389,600.69</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>400 Days</u>
(8)	Final Completion	<u>415 Days</u>
(9)	Total Proposed Change in Contract Time	<u>29 Subst, 44 Final Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>429 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>459 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>June 1, 2012</u>
(15)	New Contract Final Completion Date	<u>July 1, 2012</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – 27th Street Additional Grading and Paving

Description of Change:	Additional grading and paving to increase efficacy of the storm water treatment system near the end of the street.
Reason for Change:	Existing storm water gutters had to be removed to promote positive drainage to the new well control structure and away from the existing ocean outfall.
Scope of Work:	Remove gutters, re-grade the entire area, and pave the entire area.
Change in Contract Price:	\$12,065.91
Change in Contract Time:	0 Days

ITEM 2 – Removal of Additional Fill

Description of Change:	Redland Company placed fill in the Fisherman's Village to buildup the roadbed.
Reason for Change:	The fill inadvertently covered some of the existing wastewater infrastructure and had to be removed by Fountain Engineering during the execution of the project work in the area.
Scope of Work:	Removal of fill to make infrastructure accessible.
Change in Contract Price:	\$1,500.00
Change in Contract Time:	0 Days

ITEM 3 – Final Adjustment to Quantities in Contract to Balance Over- and Under-Runs

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

Reason for Change: The quantities of some items exceeded the original estimates while others ended up less than estimated. This is the final balancing change order for this contract.

Scope of Work: See attached backup.

Change in Contract Price: -\$135,348.48

Change in Contract Time: 29 Days for Substantial Completion, 44 Days for Final completion

AREA 3 CHANGE ORDER 8 SUMMARY			
No.	Description	Change in Contract Price	Change in Contract Time (Final Completion)
1	27 th Street Additional Grading and Paving	\$12,065.91	0 Days
2	Removal of Additional Fill	\$1,500.00	0 Days
3	Final Quantities Reconciliation	-\$135,348.48	29 Days Sub 44 Days Final
TOTAL		-\$121,782.57	29 Days Sub 44 Days Final

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
8	27 th Street Additional Work, Fill Removal, and Final Quantity Reconciliation	-\$121,782.57	29 Days Sub 44 Days Final
TOTAL		\$210,855.21	174 Days Sub 189 Days Final

Marathon Area 3 Phase 0
Schedule of Values
Reconciliation:6/14/2012

Item	Description	Unit	Unit Price	Original Bid Qty	Qty as Adjusted by All Change Orders	Original Contract Total	Contract Amount as Adjusted by Change Orders	Current QTY (thru completion)	Current Amount (thru 4/30/12)	Balancing CO QTY	Balancing CO amount
Bid Items											
1	4" SDR-21 Vacuum Main	LF	\$39.24	5630	6,502.00	\$220,921.20	\$255,138.48	6502.00	\$255,138.48	0.00	\$0.00
2	6" SDR-21 Vacuum Main	LF	\$42.93	737	1,307.00	\$31,639.41	\$56,109.51	1307.00	\$56,109.51	0.00	\$0.00
3	4" Ductile Iron	LF	\$210.53	95	95.00	\$20,000.35	\$20,000.35	95.00	\$20,000.35	0.00	\$0.00
4	Concrete Encasement	LF	\$39.82	357	195.00	\$14,215.74	\$7,764.90	195.00	\$7,764.90	0.00	\$0.00
5	4" Gate Valve	EA	\$890.01	11	7.00	\$9,790.11	\$6,230.07	7.00	\$6,230.07	0.00	\$0.00
6	6" Gate Valve	EA	\$1,117.73	5	3.00	\$5,588.65	\$3,353.19	3.00	\$3,353.19	0.00	\$0.00
7	Type A- Vacuum Pit	EA	\$6,039.29	30	62.00	\$181,178.70	\$374,435.98	62.00	\$374,435.98	0.00	\$0.00
8	Type D- Vacuum	EA	\$5,799.51	41	12.00	\$237,779.91	\$69,594.12	12.00	\$69,594.12	0.00	\$0.00
9	3" Vac Service line & crossover connection	LF	\$42.06	1350	1,858.00	\$56,781.00	\$78,147.48	1859.00	\$78,189.54	1.00	\$42.06
10	3" Service Line	LF	\$45.64	61	50.00	\$2,784.04	\$2,282.00	50.00	\$2,282.00	0.00	\$0.00
11	4" Service Line	LF	\$43.54	80	0.00	\$3,483.20	\$0.00	0.00	\$0.00	0.00	\$0.00
12	6" Gravity Service Lateral	LF	\$45.12	2725	3,552.00	\$122,952.00	\$160,266.24	3616.00	\$163,153.92	64.00	\$2,887.68
13	6" Gravity Service Cleanout	EA	\$377.10	219	231.00	\$82,584.90	\$87,110.10	234.00	\$88,241.40	3.00	\$1,131.30
14	18" ADS Type A Perforated	LF	\$101.71	1922	2,043.00	\$195,486.62	\$207,793.53	2043.00	\$207,793.53	0.00	\$0.00
15	18" ADS Type B Perforated	LF	\$88.78	759	650.00	\$67,384.02	\$57,707.00	650.00	\$57,707.00	0.00	\$0.00
16	18" ADS Type B Solid	LF	\$97.77	53	70.00	\$5,181.81	\$6,843.90	70.00	\$6,843.90	0.00	\$0.00
17	Well Control Structures	EA	\$8,871.21	9	8.00	\$79,840.89	\$70,969.68	8.00	\$70,969.68	0.00	\$0.00
18	12" Injection Well	EA	\$19,150.37	2	2.00	\$38,300.74	\$38,300.74	2.00	\$38,300.74	0.00	\$0.00
19	Drain Inlet Structure	EA	\$3,694.75	28	26.00	\$103,453.00	\$96,063.50	26.00	\$96,063.50	0.00	\$0.00
20	Concrete Curbing- 6" Width	LF	\$57.79	807	863.00	\$46,636.53	\$49,872.77	863.00	\$49,872.77	0.00	\$0.00
21	1" Roadway Overlay, Type S-3 Asphalt	SY	\$10.98	38361	32,850.00	\$421,203.78	\$360,693.00	29671.50	\$325,793.07	-3178.50	-\$34,899.93
22	Striping	LF	\$3.33	16903	2,000.00	\$56,286.99	\$6,660.00	1459.00	\$4,858.47	-541.00	-\$1,801.53
23	Asphalt Skim Coat leveling Course Type 3	TON	\$146.38	1250	0.00	\$182,975.00	\$0.00	0.00	\$0.00	0.00	\$0.00
24	Road Bed Milling & First Course overlay Type S-1, 1-1/4"	SY	\$23.79	2543	7,156.00	\$60,497.97	\$170,241.24	6511.00	\$154,896.69	-645.00	-\$15,344.55
25	Road Bed Replacement- Type A	SY	\$27.45	2543	0.00	\$69,805.35	\$0.00	0.00	\$0.00	0.00	\$0.00
26	Road Bed Replacement- Type B	SY	\$27.45	2543	0.00	\$69,805.35	\$0.00	0.00	\$0.00	0.00	\$0.00
27	Ocean View Ave-Rework	SY	\$19.52	5100	98.00	\$99,552.00	\$1,912.96	98.00	\$1,912.96	0.00	\$0.00
28	Ocean View Ave- Limerock	SY	\$15.56	5100	5,256.00	\$79,356.00	\$81,783.36	256.00	\$3,983.36	-5000.00	-\$77,800.00
29	Mobilization	LF	\$10,000.00	1	1.00	\$10,000.00	\$10,000.00	1.00	\$10,000.00	0.00	\$0.00
30	Bonds, Insurance, Taxes	LF	\$77,263.96	1	1.00	\$77,263.96	\$77,263.96	1.00	\$77,263.96	0.00	\$0.00
31	Time and materials	LS	\$1.00		220,000.00	\$0.00	\$220,000.00	216616.85	\$216,616.85	-3383.15	-\$3,383.15
Total Bid Items						\$2,652,729.22	\$2,576,538.06				-\$129,168.12
Deficiency Correction Items											
1	Concrete Coller for VP	EA	\$244.45	42	48.00	\$10,266.90	\$11,733.60	50.00	\$12,222.50	2.00	\$488.90
2	Concrete Coller for Drain Inlet Structure	EA	\$247.95	15	17.00	\$3,719.25	\$4,215.15	15.00	\$3,719.25	-2.00	-\$495.90
3	Concrete Coller for Gate Valve Box/ Cleanout	EA	\$121.78	115	80.00	\$14,004.70	\$9,742.40	70.00	\$8,524.60	-10.00	-\$1,217.80
4	Remove Fill & Install Metallic Tape	LF	\$5.40	3438	5,024.00	\$18,565.20	\$27,129.60	5024.00	\$27,129.60	0.00	\$0.00
5	Install Trench Lime rock	LF	\$21.59	3438	5,522.00	\$74,226.42	\$119,219.98	5522.00	\$119,219.98	0.00	\$0.00
6	Testing- Vac Lines	EA	\$819.75	15	15.00	\$12,296.25	\$12,296.25	15.00	\$12,296.25	0.00	\$0.00
7	Testing- Vac Pits & Gravity Laterals	EA	\$327.90	53	59.00	\$17,378.70	\$19,346.10	53.00	\$17,378.70	-6.00	-\$1,967.40
8	Density Testing- Structures 2	EA	\$120.00	63	18.00	\$7,560.00	\$2,160.00	18.00	\$2,160.00	0.00	\$0.00
9	Density Testing- Structures2/200'	EA	\$60.00	22	14.00	\$1,320.00	\$840.00	14.00	\$840.00	0.00	\$0.00
10	Density Testing- Road Base limerock only 1/200'	EA	\$60.00	14	12.00	\$840.00	\$720.00	12.00	\$720.00	0.00	\$0.00
11	Swale Install in Completed areas	LF	\$37.33	5160	2,592.00	\$192,622.80	\$96,759.36	3707.00	\$138,382.31	1115.00	\$41,622.95
12	Asphalt Hot Patch w/o pipe	SY	\$27.00	4375	5,400.00	\$118,125.00	\$145,800.00	5393.00	\$145,611.00	-7.00	-\$189.00
13	Restoration- 57 rock	SY	\$5.64	1900	0.00	\$10,716.00	\$0.00	72.00	\$406.08	72.00	\$406.08
14	Restoration- 89 rock	SY	\$5.64	1900	0.00	\$10,716.00	\$0.00	0.00	\$0.00	0.00	\$0.00
15	Removal & replacement- 4" Gate Valve & Box	EA	\$2,189.85	1	2.00	\$2,189.85	\$4,379.70	0.00	\$0.00	-2.00	-\$4,379.70
16	Removal & replacement- Vac Pit Type A	EA	\$7,665.78	1	5.00	\$7,665.78	\$38,328.90	4.00	\$30,663.12	-1.00	-\$7,665.78
17	Removal & replacement- Vac Pit Type B	EA	\$7,921.39	3	3.00	\$23,764.17	\$23,764.17	3.00	\$23,764.17	0.00	\$0.00
18	Removal & replacement- Well Control Structure	EA	\$39.24	1	1.00	\$39.24	\$13,982.18	0.00	\$0.00	-1.00	-\$13,982.18
19	6" Gravity Service Lateral	LS	\$45.12		419.00	\$0.00	\$18,905.28	269.00	\$12,137.28	-150.00	-\$6,768.00
20	Replace Vac Pits	LS	\$6,039.29		0.00	\$0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
21	6" Gravity Service Cleanout	LS	\$377.10		36.00	\$0.00	\$13,575.60	29.00	\$10,935.90	-7.00	-\$2,639.70
Total Deficiency Items						\$526,016.26	\$562,898.27				\$3,212.47

Marthon Area 3 Phase 0
Schedule of Values
Reconciliation:6/14/2012

Item	Description	Unit	Unit Price	Original Bid Qty	Qty as Adjusted by All Change Orders	Original Contract Total	Contract Amount as Adjusted by Change Orders	Current QTY (thru completion)	Current Amount (thru 4/30/12)	Balancing CO QTY	Balancing CO amount
Extra Work (See CO3)											
1	Smash & Crash Vacuum pit	LS	\$17,713.45		1.00	\$0.00	\$17,713.45	1.00	\$17,713.45	0.00	\$0.00
2	Methodist Church Vacuum pit	LS	\$7,906.98		1.00	\$0.00	\$7,906.98	1.00	\$7,906.98	0.00	\$0.00
3	Keynoter Vacuum pit	LS	\$7,168.63		1.00	\$0.00	\$7,168.63	1.00	\$7,168.63	0.00	\$0.00
4	FCAA Oceanside VP	LS	\$7,168.63		1.19	\$0.00	\$8,530.67	0.19	\$1,362.04	-1.00	-\$7,168.63
5	FCAA Bayside	LS	\$7,168.63		1.00	\$0.00	\$7,168.63	1.00	\$7,168.63	0.00	\$0.00
6	Salt, Seamark & Cavannah VP	LS	\$15,081.18		1.00	\$0.00	\$15,081.18	1.00	\$15,081.18	0.00	\$0.00
7	Graddick/Wolf VP	LS	\$18,206.51		1.00	\$0.00	\$18,206.51	1.00	\$18,206.51	0.00	\$0.00
8	American Legion pump station	LS	\$11,999.98		1.00	\$0.00	\$11,999.98	1.00	\$11,999.98	0.00	\$0.00
9	105th Street Water Main	LS	\$14,094.92		1.00	\$0.00	\$14,094.92	1.00	\$14,094.92	0.00	\$0.00
10	12" Drain McDonalds	Ea	\$4,528.55		2.00	\$0.00	\$9,057.10	2.00	\$9,057.10	0.00	\$0.00
11	25th St Bridge Crossing	LS	\$3,325.00		1.00	\$0.00	\$3,325.00	1.00	\$3,325.00	0.00	\$0.00
12	Trailerama Connection	LS	\$9,703.73		1.00	\$0.00	\$9,703.73	1.00	\$9,703.73	0.00	\$0.00
13	Ocean Breeze Asphalt	SY	\$38.06		600.00	\$0.00	\$22,836.00	675.00	\$25,690.50	75.00	\$2,854.50
14	So. Portion 24th St base	SY	\$15.56		750.00	\$0.00	\$11,670.00	750.00	\$11,670.00	0.00	\$0.00
15	So Portion 24th St Asphalt	SY	\$38.06		1,184.00	\$0.00	\$45,063.04	1184.00	\$45,063.04	0.00	\$0.00
16	4" PVC Water Main	LF	\$46.17		1,900.00	\$0.00	\$87,723.00	1790.00	\$82,644.30	-110.00	-\$5,078.70
17	4" GV & Box	EA	\$916.83		3.00	\$0.00	\$2,750.49	3.00	\$2,750.49	0.00	\$0.00
18	1" Water Svcs W Curb Stop & Box	EA	\$1,277.82		28.00	\$0.00	\$35,778.96	28.00	\$35,778.96	0.00	\$0.00
19	MJ Fitting	LS	\$2,733.40		1.00	\$0.00	\$2,733.40	1.00	\$2,733.40	0.00	\$0.00
20	Flush-out Assembly	EA	\$1,251.20		2.00	\$0.00	\$2,502.40	2.00	\$2,502.40	0.00	\$0.00
21	Ocean Breeze Ave Pipe Work	LS	\$30,920.97		1.00	\$0.00	\$30,920.97	1.00	\$30,920.97	0.00	\$0.00
22	27th ST Grading and Paving	LS	\$12,065.91		1.00	\$0.00	\$12,065.91	1.00	\$12,065.91	0.00	\$0.00
23	27th ST Extra Fill Removal	LS	\$1,500.00		1.00	\$0.00	\$1,500.00	1.00	\$1,500.00	0.00	\$0.00
Total Extra Work						\$0.00	\$385,500.95				-\$9,392.83

Total -\$135,348.48