

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2012-64**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT DATED SEPTEMBER 13, 2011, WITH FOUNTAIN ENGINEERING INC., IN THE ORIGINAL AMOUNT OF \$625,044.79, FOR THE CONSTRUCTION OF SERVICE AREA 1 WASTEWATER FORCE MAIN; DECREASING THE CONTRACT IN THE AMOUNT OF -\$75,234.66, AS A FINAL BALANCING CHANGE ORDER; EXTENDING THE SUBSTANTIAL AND FINAL COMPLETION DATES BY 20 DAYS EACH, 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 (the "City") entered into a contract with Fountain Engineering, Inc. ("Fountain") for Construction of the Service Area 1 Wastewater Force Main (the "Project") in September of 2011 (the "Contract"); and

**WHEREAS**, Change Order number one is a \$75,234.66 deductive change order that extends the substantial and final completion dates by 20 days each; and will close out the Contract.

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

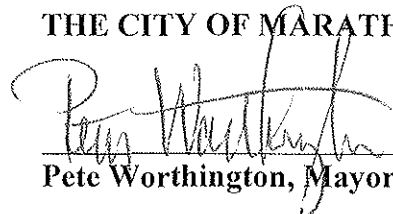
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Change Order No.1 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 26<sup>th</sup> 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

CHANGE ORDER NO. 1

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TO: City of Marathon

PROJECT: City of Marathon Service Area 1 Sewer Force Main Project dated September 13, 2011, in the amount of \$625,044.79.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Fountain Engineering Inc.

DATE: June 26, 2012

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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.

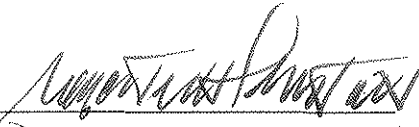
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 625,044.79 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.

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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

By:   
Name: Robert T. Hermsdorf  
Title: City Manager

By:   
Name: Calicia Landry  
Title: Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 1  
Project Title Service Area 1 Sewer Force Main Project  
Bid No. N/A  
Owner: City of Marathon  
Contractor: Fountain Engineering Inc.  
Agreement Date: June 26, 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>\$ 625,044.79</u>        |
| (2)  | Current Contract Price (Adjusted by Previous Change Orders) | <u>\$ 625,044.79</u>        |
| (3)  | Total Proposed Change in Contract Price                     | <u>\$ -75,234.66</u>        |
| (4)  | <b>New Contract Price (Item 2 + Item 3)</b>                 | <b><u>\$ 549,810.13</u></b> |
| (5)  | Original Contract Time (Substantial)                        | <u>120 Days</u>             |
| (6)  | Original Contract Time (Final)                              | <u>150 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>20 Days</u>              |
| (10) | <b>New Substantial Contract Time (Item 7 + Item 9)</b>      | <b><u>140 Days</u></b>      |
| (11) | <b>New Final Contract Time (Item 8 + Item 9)</b>            | <b><u>170 Days</u></b>      |
| (12) | Original Contract Substantial Completion Date               | <u>May 8, 2012</u>          |
| (13) | Original Contract Final Completion Date                     | <u>June 7, 2012</u>         |
| (14) | <b>New Contract Substantial Completion Date</b>             | <b><u>May 28, 2012</u></b>  |
| (15) | <b>New Contract Final Completion Date</b>                   | <b><u>June 27, 2012</u></b> |

# EXHIBIT "A"

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## CHANGES ORDERED

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### ITEM 1 – Reconciliation of Quantities

|                                  |   |
|----------------------------------|---|
| <b>Description of Change:</b>    | Adjust contract quantities to reflect actual installed quantities   |
| <b>Reason for Change:</b>        | To balance the contract quantities with installed quantities and adjust the contract price by the corresponding amount. |
| <b>Scope of Work:</b>            | N/A - See quantity and cost reconciliation below.   |
| <b>Change in Contract Price:</b> | -\$75,234.66  |
| <b>Change in Contract Time:</b>  | 20 Days   |

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**Area 1 Force Main Balancing Change Order  
Change Order No. 1**

| Item          | Description   | Ut  | Bid Qty | Unit Price  | Change Order No. 1 | Qty as Adjusted by Change Orders | Original Contract Total | Contract Total as Adjusted by Change Orders | Change in Contract Total |
|---------------|---|-----|---------|-------------|--------------------|----------------------------------|-------------------------|---|--------------------------|
| 1             | 2" DR11 HDPE SEWER CONNECTION                         | LF  | 5       | \$153.20    | 0                  | 5                                | \$766.00                | \$766.00                                    | \$0.00                   |
| 2             | 4" DR 11 HDPE (HDD) MAIN                              | LF  | 4200    | \$38.76     | -1099              | 3101                             | \$162,792.00            | \$120,194.76                                | -\$42,597.24             |
| 3             | 4" DR 11 HDPE (CARRIER PULL) MAIN                     | LF  | 7470    | \$40.21     | 1884               | 9354                             | \$300,368.70            | \$376,124.34                                | \$75,755.64              |
| 4             | 4" DR 11 HDPE (OPEN CUT) MAIN                         | LF  | 740     | \$72.81     | -494               | 246                              | \$53,879.40             | \$17,911.26                                 | -\$35,968.14             |
| 5             | 2" HDPE DIVISION VALVE & BOX                          | EA  | 1       | \$1,686.67  | 0                  | 1                                | \$1,686.67              | \$1,686.67                                  | \$0.00                   |
| 6             | 4" HDPE DIVISION VALVE & BOX                          | EA  | 5       | \$1,999.38  | 2                  | 7                                | \$9,996.90              | \$13,995.66                                 | \$3,998.76               |
| 7             | 8" CONCRETE ENCASEMENT                                | LF  | 600     | \$29.63     | -516               | 84                               | \$17,778.00             | \$2,488.92                                  | -\$15,289.08             |
| 8             | SIDEWALK RESTORATION                                  | SY  | 40      | \$33.34     | -10                | 30                               | \$1,333.60              | \$1,000.20                                  | -\$333.40                |
| 9             | ASPHALT OVERLAY                                       | SY  | 1660    | \$22.32     | -1660              | 0                                | \$37,051.20             | \$0.00                                      | -\$37,051.20             |
| 10            | RPL MEYERS GRINDER PUMPS (TESTED & STARTUP)           | LS  | 1       | \$15,642.32 | 0                  | 1                                | \$15,642.32             | \$15,642.32                                 | \$0.00                   |
| 11            | DISPOSAL OF CONTAMINATED SOIL                         | TON | 50      | \$114.00    | -50                | 0                                | \$5,700.00              | \$0.00                                      | -\$5,700.00              |
| 12            | OVERSIGHT & REPORT BY SPECIALIZED LICENSED CONTRACTOR | EA  | 5       | \$3,610.00  | -5                 | 0                                | \$18,050.00             | \$0.00                                      | -\$18,050.00             |
| <b>TOTALS</b> |   |     |         |             |                    |                                  | <b>\$625,044.79</b>     | <b>\$549,810.13</b>                         | <b>-\$75,234.66</b>      |