

**CITY OF MARATHON, FLORIDA
RESOLUTION 2012-65**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 12 TO CONTRACT DATED JULY 27, 2010, BETWEEN THE CITY AND WHARTON-SMITH, INC. IN THE ORIGINAL AMOUNT OF \$4,227,000 FOR THE EXPANSION OF THE SERVICE AREA 5 WASTEWATER TREATMENT PLAN; DECREASING THE CONTRACT IN THE AMOUNT OF -\$4,778.90; 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 Wharton-Smith, Inc., ("Wharton-Smith") for the expansion of the Service Area 5 wastewater treatment plant project (the "Project") in July 2010 (the "Contract"); and

WHEREAS, Change Order No. 12 is a \$4,778.90 deductive change order, and will close out the Contract.

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

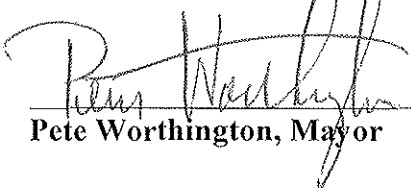
Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Change Order No. 12 to the Contract between the City and Wharton-Smith attached hereto as Exhibit "A," is hereby approved. The City Manager is authorized to execute the Change Order.

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. 12

TO: City of Marathon

PROJECT: City of Marathon Service Area 5 WWTP Expansion
Resolution 2010-78 dated July 27, 2010, in the amount of \$4,227,000

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Wharton-Smith Inc.

DATE: June 15, 2012

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

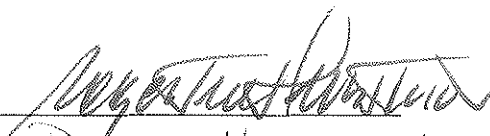
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

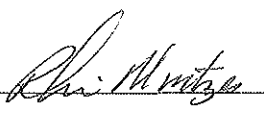
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$4,227,000.00 under the Agreement will be **changed** by this Change Order, and (b) the schedule for performance of Work will be **unchanged** 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: Phil Muntzer
Title: Project Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 12
 Project Title Service Area 5 WWTP Expansion
 Bid No. N/A
 Owner: City of Marathon
 Contractor: Wharton-Smith Inc.
 Agreement Date: July 27, 2010

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>\$4,227,000.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$4,531,384.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ -4,778.90</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$4,526,605.10</u>
(5)	Original Contract Time (Substantial)	<u>330 Days</u>
(6)	Original Contract Time (Final)	<u>360 Days</u>
<u>Adjustments by Previous Change Orders:</u>		
(7)	Substantial Completion	<u>488 Days</u>
(8)	Final Completion	<u>518 Days</u>
(9)	Total Proposed Change in Contract Time to Substantial	<u>0 Days</u>
(10)	Total Proposed Change in Contract Time to Final	<u>0 Days</u>
(11)	Revised Substantial Contract Time (Item 7 + Item 9)	<u>0 Days</u>
(12)	Revised Final Contract Time (Item 8 + Item 9)	<u>0 Days</u>
(13)	Original Contract Substantial Completion Date	<u>September 24, 2011</u>
(14)	Original Contract Final Completion Date	<u>October 24, 2011</u>
(15)	Revised Contract Substantial Completion Date	<u>January 31, 2012</u>
(16)	Revised Contract Final Completion Date	<u>March 30, 2012</u>

