

CITY OF MARATHON, FLORIDA
RESOLUTION 2012-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT DATED JANUARY 24, 2012, BETWEEN THE CITY AND CARIBE UTILITIES OF FLORIDA, INC., IN THE ORIGINAL AMOUNT OF \$657,322.00, FOR THE CONSTRUCTION OF THE KEYS RV/MOBILE HOME CONDOMINIUM ASSOCIATION, INC., ON-SITE WASTEWATER COLLECTION SYSTEM; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$73,400.25; EXTENDING THE DATE FOR SUBSTANTIAL COMPLETION 100 DAYS AND EXTENDING THE DATE FOR FINAL COMPLETION 120 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 (the "City") and Keys RV/Mobile Home Condominium Association, Inc. (Keys RV) have entered into a mediated settlement agreement in that certain litigation styled *Keys RV/Mobile Home Condominium Association, Inc. vs. City of Marathon*; Case No. 2008-CA-386-M, pending in the In the Circuit Court of the 16th Judicial Circuit In And For Monroe County, Florida (the "Mediated Settlement Agreement");

WHEREAS, the Mediated Settlement Agreement provides that the City will contract for the installation of the on-site wastewater collection system at Keys RV (the "Project"); and

WHEREAS, Change Order No. 1 is a \$73,400.25 additive change order that extends the Project substantial and final completion dates by 100 and 120 days, respectively.

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

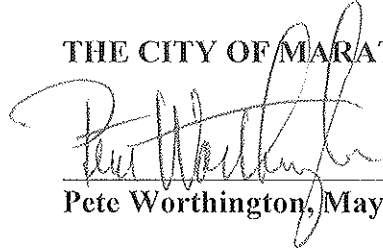
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Change Order No. 1, a copy of which is 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 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

CHANGE ORDER

#1

TO: City of Marathon

PROJECT: Keys RV/Mobile Home Condominium Association, Inc. On-site wastewater collection system contract dated January 24, 2012

ENGINEER: Weiler Engineering

CONTRACTOR: Caribe Utilities Of Florida, Inc.

DATE: June 26, 2012

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

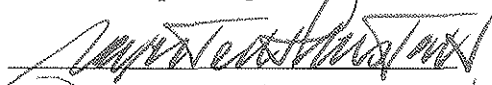
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

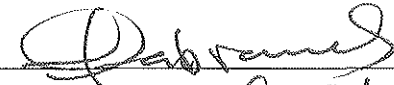
This Change Order constitutes full, final, and complete compensation to Caribe for all costs, expenses, overhead, and profit, and any damages of every kind that Caribe may incur in connection with the above referenced changes in the Design Work or any other effect on any of the Construction Work under this Agreement. Caribe acknowledges and agrees that (a) the Guaranteed Maximum Price of \$657,322 under the Agreement will be [changed] by this Change Order, and (b) the schedule for performance of Design Work will be [changed] by this Change Order. Caribe 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.

CITY OF MARATHON
a Florida municipal corporation

CARIBE UTILITIES OF FLORIDA, INC.

By: 
Name: Roger Hernstadt
Title: City Manager

By: 
Name: Miguel Cabranes
Title: President

CHANGE ORDER SUMMARY

Change Order No. 1
Project Title Keys RV/Mobile Home Condominium Association On-site Wastewater Collection System
Owner: Keys RV – City of Marathon Project
Contractor: Caribe Utilities of Florida Inc.
Agreement Date: January 24, 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>\$657,322</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$657,322</u>
(3)	Total Proposed Change in Contract Price	<u>\$73,400.25</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$730,722.25</u>
(5)	Original Contract Time (Substantial)	<u>150 Days</u>
(6)	Original Contract Time (Final)	<u>180Days</u>
<u>Adjustments by Previous Change Orders:</u>		
(7)	Substantial Completion	<u>150Days</u>
(8)	Final Completion	<u>180Days</u>
(9)	Total Proposed Change in Contract Time to Substantial	<u>100 Days</u>
(10)	Total Proposed Change in Contract Time to Final	<u>120 Days</u>
(11)	Revised Substantial Contract Time (Item 7 + Item 9)	<u>250 Days</u>
(12)	Revised Final Contract Time (Item 8 + Item 9)	<u>300 Days</u>
(13)	Original Contract Substantial Completion Date	<u>Aug. 13, 2012</u>
(14)	Original Contract Final Completion Date	<u>Sept. 12, 2012</u>
(15)	Revised Contract Substantial Completion Date	<u>Nov. 21, 2012</u>
(16)	Revised Contract Final Completion Date	<u>Jan 10, 2013</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 –

Description of Change: 2170 linear feet of 6" SDR35 Gravity Laterals will be furnished and installed by Caribe Utilities.

Reason for Change: April 24, 2012, Keys RV requested additional laterals be installed in common areas of Keys RV at their cost. Council agreed as long as it was prepaid.

Scope of Work: Furnish and install approximately 144 additional laterals in common area

Change in Contract Price: \$73,400.25

Change in Contract Time: 100 Days for Substantial Completion
120 Days for Final Completion

Keys RV Wastewater Collection System	Price	Add'l Days
Item #1: Install 2170 linear feet of 6" SDR 35 Gravity Lateral	\$73,400.25	100/120
TOTAL: Change Order #1	\$73,400.25	100/120

KEYS RV CHANGE ORDER HISTORY			
Change Order#	Description	Change in Contract Price	Change in Contract Time
1	Install 2170 line. Ft. 6" SDR 35 Gravity Lateral	\$73,400.25	100/120
TOTAL		\$73,400.25	Subs. 100 Final 120