

**CITY OF MARATHON, FLORIDA
RESOLUTION 2018-52**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A CONTRACT CHANGE ORDER #1 WITH GONZALEZ BROTHERS LANDSCAPING FOR THE UTILITIES AND PUBLIC WORKS MAINTENANCE FACILITY LANDSCAPING IN AN AMOUNT NOT TO EXCEED \$23,302.75; 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") awarded the contract for the "Utilities and Public Works Maintenance Facility Landscaping" (the "Project") on February 12, 2018 by Work Authorization 2017-01 in the amount of \$32,720.22; and

WHEREAS, the change order is found to be reasonable for the additional work requested by City staff and to be performed by Gonzalez Brothers Landscaping, as the General Contractor, in the amount of \$23,302.75; and

WHEREAS, the City wishes to execute this change order #1 for additional landscaping, modified irrigation system components, and increased tree sizes; and

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

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

Section 2. The change order attached hereto, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney 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 12th DAY OF JUNE 2018.

THE CITY OF MARATHON, FLORIDA



Michelle Coldiron, Mayor

AYES: Bartus, Zieg, Senmartin, Cook, Coldiron
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:**



David Migut, City Attorney

CHANGE ORDER # 1 –

TO: City of Marathon
PROJECT: Utilities & Public Works Maintenance Facility
ENGINEER: Chen Moore & Assoc.
CONTRACTOR: Gonzalez Brothers Landscaping.
DATE: May 9, 2018

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 in Exhibits "B" attached hereto and by this reference made a part hereof.

This Change Order constitutes full, final, and complete compensation to **Gonzalez Brothers Landscaping** for all costs, expenses, overhead, and profit, and any damages of every kind that **Gonzalez Brothers Landscaping** may incur in connection with the above referenced changes in the Construction Work under this Agreement. **Gonzalez Brothers Landscaping** acknowledges and agrees that (a) the Guaranteed Maximum Price of \$32,720.22 under the Agreement will be **changed** by this Change Order. **Gonzalez Brothers Landscaping** 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

By: Chuck Lindsey

Name: Chuck Lindsey

Title: City Manager

Gonzalez Brothers Landscaping

By: Luis Gonzalez

Name: Luis Gonzalez

Title: President

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 1
Project Title **Utilities an Public Works Maintenance Facility**
Bid No. N/A
Owner: City of Marathon
Contractor: **Gonzalez Brothers Landscaping**
Agreement Date: July 29, 2016

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>\$32,720.22</u>
(2)	Current Contract Price (Adjusted by Previous C.O.)	<u>\$32,720.22</u>
(3)	Total Proposed Change in Contract Price	<u>\$23,302.75</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$56,022.97</u>
(5)	Original Contract Time	<u>45 Days</u>
(6)	Proposed Change in Contract Time	<u>0 Days</u>
(6)	Current Contract Time (Adjusted by Previous C.O.)	<u>45 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>45 Days</u>
(9)	Original Contract Final Completion Date	<u>June 15, 2018</u>
(10)	New Contract Final Completion Date	<u>June 15, 2018</u>

**CITY OF MARATHON CITY HALL PROJECT CHANGE ORDER
HISTORY**

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		\$32,720.22	\$23,302.75	\$0	\$23,302.75	45 Days
Total		\$56,022.97	\$23,302.75	\$0	\$23,302.75	45 Days

Exhibit “B”

CHANGE ORDER JUSTIFICATION

In review of the landscape plan, the City decided to enhance the landscaping by adding additional vegetation along the east and west side of the facility, and provide larger trees at the time of planting from what was specified on the plans.

The City also requested that the irrigation system be modified to use components of the same manufacture as we use in other facilities for future efficiency in maintenance and repair.

The project was bid in august of 2017, and subsequent to the award but prior to execution of the contract the city was impacted by Hurricane Irma, resulting in an 8 month delay in starting the work. As a result of this delay, the sod prices have increased due to impacts of the hurricane, and the subsequent unusual dry conditions in South Florida. Since the City requested the delay of construction, the price difference is deemed justified.