

**CITY OF MARATHON, FLORIDA
RESOLUTION 2014-09**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 12 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; INCREASING THE CONTRACT IN THE AMOUNT OF \$118,990.45 (FORCE MAIN AT HYATT); EXTENDING THE DATES FOR SUBSTANTIAL AND FINAL COMPLETION 90 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, Florida (“City”) entered into a contract with Fountain Engineering, Inc., (“Fountain”) for the construction of the Service Area 3 Wastewater and Stormwater Collection System Project in March of 2011 (“Contract”); and

WHEREAS, Change Order No. 12 is for an increase of \$118,990.45 required to complete the construction of a wastewater force main to better serve the properties in Service Area 3-0 and extends the substantial and final completion dates by 90 days to 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. 12 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 and expend budgeted 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 28th DAY OF JANUARY, 2014.

THE CITY OF MARATHON, FLORIDA



Dick Ramsay, Mayor

AYES: Bull, Keating, Senmartin, Snead, Ramsay
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

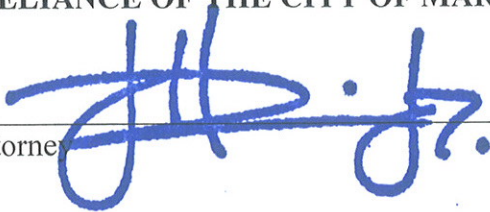


EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 12

TO: City of Marathon

PROJECT: City of Marathon Service Area 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: 16 December 2013

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: Michael H. Puto

By: Calicia Landry

Name: Michael H. Puto

Name: Calicia Landry

Title: Acting City manager

Title: Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 12
 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>\$ 3,526,775.83</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 118,990.45</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 3,645,766.28</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>1088 Days</u>
(8)	Final Completion	<u>1118 Days</u>
(9)	Total Proposed Change in Contract Time	<u>90 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>1178 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>1208 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 20, 2014</u>
(15)	New Contract Final Completion Date	<u>July 20, 2014</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Hyatt Force main Connection

Description of Change: Install approximately 90 linear feet of 4" HDPE force main via horizontal directional drilling, included valves and air release valve as shown in the design drawings.

Reason for Change: To provide conveyance of sewage from the proposed new hotel to the Area 3 WWTP.

Scope of Work: Install approximately 90 linear feet of HDPE force main via horizontal directional drilling, including installation of all related fittings as shown on the drawings. Testing and final restoration is included.

Change in Contract Price: \$28,027.45

Change in Contract Time: 60 days

ITEM 2 – Hyatt Lift Station Installation

Description of Change: Install new lift station including electrical to tie into the force main in right-of-way area at the Hyatt.

Reason for Change: To provide conveyance of sewage from the proposed new hotel to the Area 3 WWTP

Scope of Work: Install new lift station including electrical to tie into the force main in right-of-way area at the Hyatt per design by PE&D. Connect to or stub out to proposed gravity system for Hyatt.

Change in Contract Price: \$90,963.00

Change in Contract Time: 30 days

AREA 3 Phase 0 CHANGE ORDER 12 SUMMARY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Hyatt Force main connection	\$28,027.45	60 Days
2	Lift station installation	\$90,963.00	30 Days
TOTAL		\$118,990.45	90 Days