

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2014-138**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 13 TO THE CONTRACT DATED MARCH 29, 2011 WITH FOUNTAIN ENGINEERING, INC., IN THE ORIGINAL AMOUNT OF \$3,178,745.48 FOR THE CONSTRUCTION OF SERVICE AREA 3-0 WASTEWATER AND STORMWATER IMPROVEMENTS; DECREASING THE CONTRACT AMOUNT BY \$4,400.00; EXTENDING THE DATE FOR SUBSTANTIAL COMPLETION 67 DAYS AND FINAL COMPLETION 103 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”) entered into a contract with Fountain Engineering, Inc., (“Fountain”) for the construction of the Service Area 3 Wastewater and Stormwater Collection System (the “Project”) on March 29, 2011 (the “Contract”) in the original amount of \$3,178,745.48; and

**WHEREAS**, Change Order No. 13 decreases the Contract sum by \$4,400.00 to balance quantities to reflect work performed, will mark completion of the Project and extends the dates for Substantial Completion by 67 days to August 26, 2014 and Final Completion by 103 days to October 31, 2014.

**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 City Council hereby approves Change Order No. 13 between the City and Fountain Engineering, Inc. for the construction of the Service Area 3 Wastewater and Stormwater Collection System (the “Project”) a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form by the City Attorney, is hereby approved. The City Manager is authorized to execute the Change Order on behalf of the City and expend budgeted funds.

**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 28<sup>TH</sup> DAY OF OCTOBER, 2014.

THE CITY OF MARATHON, FLORIDA



\_\_\_\_\_  
Mayor Dick Ramsay

AYES: Bartus, Bull, Keating, Senmartin, Ramsay  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**



\_\_\_\_\_  
Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



\_\_\_\_\_  
Lynn M. Dannheisser, City Attorney

EXHIBIT "A"  
CHANGE ORDER

CHANGE ORDER NO. 13

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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: 17 October 2014

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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 \$ 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.

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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

By: Michael H. Pluto

By: Carlicia Landry

Name: MICHAEL H. PLUTO

Name: Carlicia Landry

Title: City Manager

Title: Controller

*CO 10-30-14*

END OF SECTION

## CHANGE ORDER SUMMARY

Change Order No.           13        
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>\$ 3,645,766.28</u>
(3)	Total Proposed Change in Contract Price	<u>-\$4,400.00</u>
(4)	<b>New Contract Price (Item 2 + Item 3)</b>	<b><u>\$ 3,641,366.28</u></b>
(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>1178 Days</u>
(8)	Final Completion	<u>1208 Days</u>
(9)	Total Proposed Change in Substantial Contract Time	<u>67 Days</u>
(10)	Total Proposed Change in Final Contract Time	<u>103 Days</u>
(11)	<b>New Substantial Contract Time (Item 7 + Item 9)</b>	<b><u>1245 Days</u></b>
(12)	<b>New Final Contract Time (Item 8 + Item 10)</b>	<b><u>1311 Days</u></b>
(13)	Original Contract Substantial Completion Date	<u>Nov 25, 2011</u>
(14)	Original Contract Final Completion Date	<u>Dec 25, 2011</u>
(15)	<b>New Contract Substantial Completion Date</b>	<b><u>August 26, 2014</u></b>
(16)	<b>New Contract Final Completion Date</b>	<b><u>October 31, 2014</u></b>

# EXHIBIT "A"

## CHANGES ORDERED

### ITEM 1 – Additional Time to Complete the Hyatt Force main Connection Scope of Work

**Description of Change:** Additional time added to Area 3 Phase 0 Project in order to close out the Hyatt force main project

**Reason for Change:** Due to delays in the City issuing the Notice to Proceed for the Hyatt Force main Project and delays in ordering a specialized lift station design for the Hyatt that is not a typical lift station design.

**Scope of Work:** N/A

**Change in Contract Price:** \$00.00

**Change in Contract Time:** **67 days for Substantial Completion and 103 days for Final Completion**

### ITEM 2 – Balancing Quantities in final pay request to close out Area 3 Phase 0 Project

**Description of Change:** Balancing out Marathon Area 3 Phase 0 Quantities

**Reason for Change:** Making final quantities installed match the quantities as listed in the pay request.

**Scope of Work:**

AREA 3 Phase 0 CHANGE ORDER 13 Balancing Quantities for Fisherman's Point Water Main Project						
No.	Description	Unit	Original Quantity	New Quantity	Change in Contract Price	Change in Contract Time
1	Replacement of Curb Stops	EA	30	22	-\$800.00	0 Days
2	Replace O-Rings on Existing 2" Valves	EA	2	1	-\$350.00	0 Days
3	Asphalt Restoration	LS	1	0	-\$3,250.00	0 Days
<b>TOTAL</b>					<b>-\$4,400.00</b>	<b>0 Days</b>

**Change in Contract Price:** **-\$4,400.00**

**Change in Contract Time:** **00 days**

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**AREA 3 Phase 0 CHANGE ORDER 13 SUMMARY**

<b>No.</b>	<b>Description</b>	<b>Change in Contract Price</b>	<b>Change in Contract Time</b>
1	Additional time to close out scope of work for the Hyatt force main	\$00.00	103 Days
2	Balancing Quantities to close out Area 3 Contract	-\$4,400.00	00 Days
<b>TOTAL</b>		<b>-\$4,400.00</b>	<b>103 Days</b>