

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2014-85**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 4 TO 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 ON-SITE WASTEWATER COLLECTION SYSTEM; DECREASING THE CONTRACT IN AN AMOUNT OF \$20,186.00; EXTENDING THE DATE FOR SUBSTANTIAL COMPLETION 125 DAYS AND FINAL COMPLETION 129 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”) and Keys RV/Mobile Home Condominium Association, Inc., (Keys RV) 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, in the Circuit Court of the 16<sup>th</sup> Judicial Circuit In And For Monroe County, Florida (“Mediated Settlement Agreement”); and

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

**WHEREAS**, the City contracted Caribe Utilities of Florida, Inc. (“Caribe”) for construction of the Project in January 2012; and

**WHEREAS**, as part of the construction of the Project, paving was performed, which necessitate the use of actual quantities for payment which was lower than anticipated; and

**WHEREAS**, Change Order No. 4 will decrease the contract in an amount of \$20,186.00 and extend the substantial completion by 125 days and the final completion by 129 days to complete the project on August 22, 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.** Change Order No. 4 to the Contract between the City and Caribe 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 12<sup>th</sup> DAY OF AUGUST, 2014.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Dick Ramsay, Mayor**

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

**ATTEST:**

  
\_\_\_\_\_  
for. Diane Clavier, City Clerk

(City Seal)

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


  
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Lynn M. Dannheisser, City Attorney

EXHIBIT "A"  
CHANGE ORDER

CHANGE ORDER NO. 4

TO: City of Marathon

PROJECT: City of Marathon Keys RV/Mobile Home Condominium Association, Inc. On-site Wastewater Collection System Contract dated January 26, 2012, in the original amount of \$657,322.00.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Caribe Utilities of Florida, Inc.

DATE: July 23, 2014

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 Original Contract Price of \$ 657,322.00 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

Name: MICHAEL H I PUTO

Title: 8/13/14 City Manager

By: Miguel Cabranes

Name: Miguel Cabranes

Title: President.

END OF SECTION

## CHANGE ORDER SUMMARY

Change Order No. 4  
Project Title Keys RV/Mobile Home Condominium Association, Inc. On-site Wastewater  
Collection System Contract  
Bid No. N/A  
Owner: City of Marathon  
Contractor: Caribe Utilities of Florida, Inc.  
Agreement Date: January 26, 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>\$ 657,322.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 811,982.91</u>
(3)	Total Proposed Change in Contract Price	<u>\$ -20,186.00</u>
(4)	<b>New Contract Price (Item 2 + Item 3)</b>	<b><u>\$ 791,796.91</u></b>
(5)	Original Contract Time (Substantial)	<u>150 Days</u>
(6)	Original Contract Time (Final)	<u>180 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>627 Days</u>
(8)	Final Completion	<u>760 Days</u>
(9)	Total Proposed Change in Contract Time to Substantial	<u>125 Days</u>
(10)	Total Proposed Change in Contract Time to Final	<u>129 Days</u>
(11)	<b>New Substantial Contract Time (Item 7 + Item 9)</b>	<b><u>752 Days</u></b>
(12)	<b>New Final Contract Time (Item 8 + Item 10)</b>	<b><u>889 Days</u></b>
(13)	Original Contract Substantial Completion Date	<u>August 13, 2012</u>
(14)	Original Contract Final Completion Date	<u>September 12, 2012</u>
(15)	<b>New Contract Substantial Completion Date</b>	<b><u>April 7, 2014</u></b>
(16)	<b>New Contract Final Completion Date</b>	<b><u>August 22, 2014</u></b>

# EXHIBIT "A"

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## CHANGES ORDERED

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### ITEM 1 – Final Balancing of Quantities Installed At Key's RV Park

**Description of Change:** Balancing out remaining quantities in the Key's RV Sewer Project so they accurately reflect final installed quantities.

*See attached spreadsheet for details.*

**Reason for Change:** Since all work that was completed in the Contract Amount did not equal the amount that was listed for the line item quantity, the quantities needed to be balanced out at the end of the Contract to reflect accurately what was installed.

**Scope of Work:** N/A

**Change in Contract Price:** -\$20,186.00

**Change in Contract Time:** N/A

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### ITEM 2 – Additional Time to Complete Work

**Description of Change:** Additional days to complete the scope of work

**Reason for Change:** Caribe's rate of production has been lower than anticipated due to a number of factors including two weeks lost production due to holidays, and slow progress of work due to restricted work areas and attempts to accommodate the access needs of the residents. In addition, Caribe and the City agreed to extend the contract times to allow for Caribe to perform the on-site lateral connections prior to the final asphalt overlay in the City's contract, thereby extending the finish date for Caribe.

**Scope of Work:** N/A

**Change in Contract Price:** \$0.00

**Change in Contract Time:** 125 Days added to Substantial Completion  
129 Days added to Final Completion

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<b>Key RV - Change Order No. 4 Summary</b>			
<b>Item No.</b>	<b>Description</b>	<b>Change in Contract Price</b>	<b>Change in Contract Time</b>
1	Final Balancing Change Order to make installed quantities match quantities available in the Contract	-\$20,186.00	0 Days
2	Additional Days in the Contract to obtain final completion	N/A	125 Days to Substantial and 129 Days to Final
<b>TOTAL</b>		<b>-\$20,186.00</b>	

<b>Key RV CHANGE ORDER HISTORY</b>			
<b>CO No.</b>	<b>Description</b>	<b>Change in Contract Price</b>	<b>Change in Contract Time</b>
1	Additional Laterals Added to Project	\$73,400.25	100 Days
2	Removal of Rubbish and Additional Time	\$52,479.58	160 Days
3	Lime Rock Base and Additional Asphalt	\$28,781.08	217 Days to Substantial and 320 Days to Final
4	Final Balancing Change Order	-\$20,186.00	125 Days to Substantial and 129 Days to Final
<b>TOTAL</b>		<b>\$134,474.91</b>	<b>602 Days to Substantial and 709 Days to Final</b>

