

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-134**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, RATIFYING CHANGE ORDER NO. 2 TO CONTRACT BETWEEN THE CITY AND DOUGLAS N HIGGINS IN THE ORIGINAL AMOUNT OF \$506,701.55 FOR PROJECT 3, FENCING IN OCEAN FRONT PARK WHICH WAS INCLUDED IN THE TDC GRANT FUNDING; INCREASING THE CONTRACT IN THE AMOUNT OF \$11,327.50; 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 (The "City") entered into contract with. on May 15, 2015, to construct Multiple Projects (the "Project"); and

WHEREAS, a change order is required to add fencing for a dog run at Ocean Front Park in compliance with the grant agreement with the TDC;

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 are incorporated herein.

Section 2. The City Council hereby approves Change Order # 2, attached hereto as Exhibit "A" in an amount not to exceed \$11,327.50, 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 be effective upon adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 10th day of November, 2015.

THE CITY OF MARATHON, FLORIDA



Mark Senmartin, Mayor

AYES: Bartus, Coldiron, Kelly, Zieg, Senmartin
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 # 2-

TO: City of Marathon
PROJECT: City of Marathon Multi-Projects
ENGINEER: Not Applicable
CONTRACTOR: Douglas N. Higgins, Inc.
DATE: October 22, 2015

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 **D.N. Higgins, Inc.** for all costs, expenses, overhead, and profit, and any damages of every kind that **D.N. Higgins, Inc.** may incur in connection with the above referenced changes in the Construction Work under this Agreement. **D. N. Higgins, Inc.** acknowledges and agrees that (a) the Guaranteed Maximum Price of \$506,701.55.00 under the Agreement will be **changed** by this Change Order. **D.N. Higgins, Inc.** 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: Michael H. Puto

Name: MICHAEL H. PUTO

Title: CITY MANAGER

D. N. Higgins, Inc.

By: Paul R. Waters

Name: Paul R. Waters

Title: Regional Manager - Ft. Keys

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 2
Project Title **City of Marathon Multi-Projects**
Bid No. N/A
Owner: City of Marathon
Contractor: **D. N. Higgins, Inc.**
Agreement Date: April 21, 2015

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>\$506,701.55</u>
(2)	Current Contract Price (Adjusted by Previous C.O.)	<u>\$533,493.95</u>
(3)	Total Proposed Change in Contract Price	<u>\$11,327.50</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$544,821.45</u>
(5)	Original Contract Time	<u>135 Days</u>
(6)	Proposed Change in Contract Time	<u>60 Days</u>
(7)	Current Contract Time (Adjusted by Previous C.O.)	<u>135 Days</u>
(8)	Total Proposed Change in Contract Time	<u>60 Days</u>
(9)	New Contract Time (Item 7 + Item 8)	<u>195 Days</u>
(10)	Original Contract Final Completion Date	<u>Sept. 30, 2015</u>
(11)	New Contract Final Completion Date	<u>Nov. 30, 2015</u>

OVERALL CONTRACT
CITY OF MARATHON MULTI - PROJECTS CHANGE ORDER HISTORY

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		<u>\$506,701.55</u>	\$26,792.40	\$0	\$26,792.40	60Days
2.		\$533,493.95	<u>\$11,327.50</u>	\$0	<u>\$11,327.50</u>	0 Days
Total		\$544,821.45	\$11,327.50	\$0	\$38,119.90	60Days

COCO PLUM PEDESTRIAN BRIDGE

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		<u>\$249,900.00</u>	<u>\$0.00</u>	\$0	<u>\$0.00</u>	60Days
Total		\$249,900.00	\$0.00	\$0	\$0.00	60Days

PROJECT2 COCO PLUM MULTI-USE TRAIL PHASE 3, AVE. I TO K

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		<u>\$82,137.80</u>	<u>\$3,326.90</u>	\$0	<u>\$3,326.90</u>	60Days
Total		\$85,464.70	\$3,326.90	\$0	\$3,326.90	60Days

CITY OF MARATHON OCEAN FRONT PARK ACCESS DRIVE

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		<u>\$118,473.25</u>	<u>\$2,740.00</u>	\$0	<u>\$2,740.00</u>	60Days
2		\$121,213.25	<u>\$11,327.50</u>		<u>\$11,327.50</u>	
Total		\$132,540.75	\$14,067.50	\$0	\$14,067.50	60Days

AVIATION BOULEVARD BIKE TRAIL IMPROVEMENTS

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		<u>\$56,190.50</u>	<u>\$20,725.50</u>	\$0	<u>\$20,725.50</u>	60Days
Total		\$76,916.00	\$20,725.50	\$0	\$20,725.50	60Days

Exhibit "B"

CHANGE ORDER JUSTIFICATION

The City of Marathon has requested that fencing be provided at the Ocean Front Park for a Dog Park/Walk area. See attached for pricing backup.

COCO PLUM PEDESTRIAN BRIDGE PROJECT

- No Change

COCO PLUM MULTI-USE TRAIL PHASE 3, AVE. I TO K

- No Change

CITY OF MARATHON OCEAN FRONT PARK ACCESS DRIVE

- Fencing (Dog Park) \$11,327.50

AVIATION BLVD. BIKE TRAIL IMPROVEMENTS

- No Change

