

**CITY OF MARATHON, FLORIDA
RESOLUTION 2016-107**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A CONTRACT CHANGE ORDER WITH MIKE HAACK EXCAVATING, INC. FOR THE ROADWAY IMPROVEMENTS, AVENUE "L", COCO PLUM IN AN AMOUNT NOT TO EXCEED \$32,513.48; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINAL CONTRACT 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 "Roadway Improvements Avenue L, Coco Plum" (the "Project") on April 12, 2016 by Resolution in the amount of \$331,318.13; and

WHEREAS, the final change order is found to be reasonable for the additional work requested by City staff and provided by Mike Haack Excavating, Inc, in the amount of \$32,513.48; and

WHEREAS, the City wishes except this final change order, which will enable the City to complete Avenue L to include sewer main and lateral connections, storm water infrastructure and asphalt roadway improvements.

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 contract attached hereto as Exhibit "A", 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 contract 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 15th DAY OF NOVEMBER, 2016.

THE CITY OF MARATHON, FLORIDA



Dr. Daniel Zieg, Mayor

AYES: Bartus, Coldiron, Cook, Senmartin, Zieg
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

EXHIBIT "C"
CHANGE ORDER

CHANGE ORDER NO. 02 (final)

TO: City of Marathon

PROJECT: Roadway Improvements, Avenue L, Coco Plum

CONTRACTOR: Mike Haack Excavating, Inc.

DATE: October 24, 2016

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 "1"** 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, and/or time adjustments 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 the Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$331,318.13 under the Agreement will be **changed** by this Change Order, and (b) the schedule for performance of Work will be **unchanged** 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.

CONSENT OF SURETY TO CHANGE ORDER


The Surety Agrees that this change order is not a cardinal change and if the Change Order includes an increase in the Contract amount, then the penal amount of the payment and performance bond issued for this Contract is increased by the dollar amount of this Change Order.

Surety's Name and Corporate Seal (Seal)


City of Marathon

By: _____
Name: Charles Lindsey
Title: City Manager

Mike Haack Excavating, Inc.

By: 
Name: Christopher Haack
Title: VP of Field OPs

City of Marathon

By: 
Name: Charles Lindsey
Title: City Manager

Mike Haack Excavating, Inc.

By: _____
Name: Christopher Haack
Title: VP of Field OPs

Exhibit "1"

CHANGE ORDER SUMMARY

This Change Order is necessary to cover changes in the Work to be performed under this Agreement. Except as may be modified herein all of the provisions of the Agreement apply to and govern all Work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE AGREEMENT DOCUMENTS:

(1)	Original Contract Price	\$331,318.13
(2)	Current Contract Price (Adjusted by Previous Change)	\$364,546.13
(3)	Total Proposed Change in Contract Price	\$32,513.48
(4)	New Contract Price (Item 2 + Item 3)	\$397,059.61
(5)	Original Contract Time	150 calendar days
(6)	Proposed Change in Contract Time	0 days
(6)	Current Contract Time (Adjusted by Previous Change)	150 calendar days
(7)	Total Proposed Change in Contract Time	0 days
(8)	New Contract Time (Item 6 ± Item 7)	150 calendar days
(9)	Original Contract Substantial Completion Date	November 2, 2016
(10)	New Contract Substantial Completion Date	November 2, 2016

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
I.	Total Contract Price	\$364,546.13	\$32,513.48	\$0.00	\$32,513.48	0 days
Total					\$32,513.48	0 days

The Change Order is a result of: _____

 Installation of a hydrant on the existing waterline on Avenue L, previously
 installed and accepted by FKAA.

 Relocation of Type-E Catch Basin, design change by City

 Additional Rip-Rap due to under estimate on original bid form. Actual
 quantity installed was 212.75 tons.

The cost breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
Add Hydrant (Utility Budget)	\$8,850.00
	\$
Relocate Type-E Catch Basin and additional pipe (Stormwater Budget)	\$3,415.00
	\$
Additional Rip-Rap (Stormwater Budget)	\$20,248.48
Used contract unit price \$202.00/ton X 100.24 tons	\$
	\$
	\$
TOTAL	\$32,513.48

MENDOZA BOULDERS, INC.

8781 NW 142nd Street

Miami, FL 33018

(786)412-8609 Fax(305)828-4974

mendozaboulders@earthlink.net

STATEMENT OF ACCOUNT

Customer: Mike Haack Excavating, Inc.

P.O. Box 430725

Big Pine Key, FL 33043

Project: Avenue L Roadway Improvements - City of Marathon

Material	Job Total
Boulders (6'-12")	212.75 Tons
	- 19.71 an extra @ no cost to city
	<hr/>
	193.04 Tons
	- 92.80 Billed
	<hr/>
	100.24 Tons add 4

"THANK YOU"