

**CITY OF MARATHON, FLORIDA
RESOLUTION 2013-102**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 11 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; EXTENDING THE DATE FOR FINAL COMPLETION 264 DAYS TO COMPLETE THE SEAWATCH CONNECTION WORK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER 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 3-0 Wastewater and Stormwater Collection System Project (“Project”) in March of 2011 (“Contract”); and

WHEREAS, Change Order No. 11 is to extend the Contract final completion time by 264 days for the wastewater main and connection construction for the Seawatch Condominium and 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. 11 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 12th DAY OF DECEMBER, 2013.

THE CITY OF MARATHON, FLORIDA



Dick Ramsay, Mayor

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

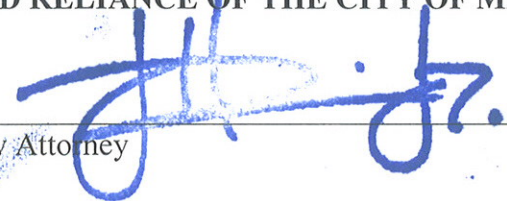
ATTEST:



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. 11

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: 5 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 **unchanged** 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: 

By: 

Name: Roger Hernstadt

Name: Cathem Landry

Title: City Manager

Title: Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 11
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>\$ 0.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 3,526,775.83</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>824 Days</u>
(8)	Final Completion	<u>854 Days</u>
(9)	Total Proposed Change in Contract Time	<u>264 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>1088 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>1018 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>March 22, 2014</u>
(15)	New Contract Final Completion Date	<u>April 21, 2014</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Seawatch Vacuum Main Extension

Description of Change: Add 264 days to the Contract Times

Reason for Change: The City delayed the start of construction to allow for use of state grant funding

Scope of Work: N/A

Change in Contract Price: \$0.00

Change in Contract Time: 264 Days

AREA 3 Phase 0 CHANGE ORDER 11 SUMMARY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Add 264 Days to Contract Times	\$1.00	264 Days
TOTAL		\$0.00	264 Days