

**CITY OF MARATHON, FLORIDA
RESOLUTION 2013-22**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 10 TO THE CONTRACT DATED MAY 25, 2010 BETWEEN THE CITY AND FOUNTAIN ENGINEERING, INC. IN THE ORIGINAL AMOUNT OF \$3,571,229.67, FOR SERVICE AREA 7 WASTEWATER AND STORMWATER IMPROVEMENTS; DECREASING THE CONTRACT IN THE AMOUNT OF \$27,520.29; AND EXTENDING THE SUBSTANTIAL AND FINAL COMPLETION DATES BY 275 DAYS FOR A REVISED FINAL COMPLETION DATE OF MARCH 19, 2013; 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, in May of 2010, the City of Marathon, Florida (the "City") entered into a contract (the "Contract") with Fountain Engineering, Inc. ("Fountain") for the construction of the Service Area 7 Stormwater and Wastewater Collection System Project (the "Project"); and

WHEREAS, several changes to the Project have been made since the City and Fountain entered into the Contract that have resulted in a decrease in the Contract price in the amount of \$27,520.29, and an extended the substantial and final completion dates of the Project by 275 days.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

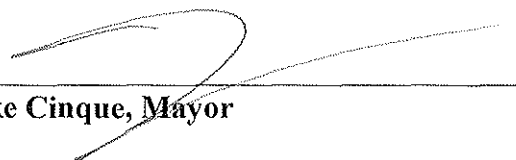
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 10 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 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 26th DAY OF FEBRUARY, 2013.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

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

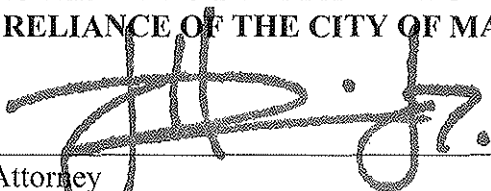
ATTEST:



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

CHANGE ORDER NO. 10

TO: City of Marathon

PROJECT: City of Marathon Service Area 7 Wastewater and Stormwater Improvements Contract dated May 25th, 2010, in the amount of \$3,571,229.67.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Fountain Engineering Inc.

DATE: February 19, 2013

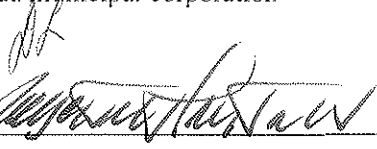
This Change Order will authorize the following change to the Agreement:

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.

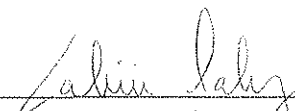
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 3,571,229.67 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

By: 
Name: Roger Hernstadt
Title: City Manager

CONTRACTOR

By: 
Name: Cathie Landay
Title: Manager

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 10
Project Title Service Area 7 Wastewater and Stormwater Improvements
Bid No. N/A
Owner: City of Marathon
Contractor: Fountain Engineering Inc.
Agreement Date: February 19, 2013

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>\$ 3,571,229.67</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 3,785,293.81</u>
(3)	Total Proposed Change in Contract Price	<u>\$ -27,520.29</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 3,757,773.52</u>
(5)	Original Contract Time (Substantial)	<u>300 Days</u>
(6)	Original Contract Time (Final)	<u>320 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>665 Days</u>
(8)	Final Completion	<u>685 Days</u>
(9)	Total Proposed Change in Contract Time	<u>275 Days</u>
(10)	New Substantial Contract Time (Items 5 + 7 + 9)	<u>940 Days</u>
(11)	New Final Contract Time (Items 6 + 8 + 9)	<u>960 Days</u>
(12)	Original Contract Substantial Completion Date	<u>May 29, 2011</u>
(13)	Original Contract Final Completion Date	<u>June 18, 2011</u>
(14)	New Contract Substantial Completion Date	<u>February 27, 2013</u>
(15)	New Contract Final Completion Date	<u>March 19, 2013</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Final Balancing of Contract Quantities

Description of Change:	A decrease in the Contract Amount of -\$27,520.29.
Reason for Change:	Adjustment of Contract quantities and times to balance the Contract Amounts and times. See attached spreadsheet for details.
Scope of Work:	N/A.
Change in Contract Price:	-\$27,520.29
Change in Contract Time:	275 Days

Area 7 - Change Order No. 10 Summary			
Item No.	Description	Change in Contract Price	Change in Contract Time
1	Final Balancing of Contract Quantities & Times	-\$27,520.29	275 Days
TOTAL - Final Balancing Change Order		-\$27,520.29	275 Days

AREA 7 CHANGE ORDER HISTORY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Contract Sum Calculation Error Correction	-\$1.07	0 Days
2	Blue Isle Blvd – 46 th St well	-\$20,456.46	60 Days
3	Gibson St. Relocate Pump Station	\$4,600.00	0 Days
4	Miscellaneous Changes	\$56,654.37	28 Days
5	Adjustment to Pipe Quantities	\$3.96	0 Days
6	Remove contaminated fill	\$35,188.22	0 Days
7	Time Extension	\$0.00	60 Days
8	Various Changes	\$46,211.82	90 Days
9	Add Mill & Patch and Limerock	\$91,863.30	127 Days
10	Final Balancing Change Order	-\$27,520.29	275 Days
TOTAL		\$186,543.85	640 Days

Marathon Area 7 Collection and Stormwater Project
Change Order No. 10 - Final Balancing Change Order

Item	Description	Ut	Qty as Adjusted by all Change Orders	Unit Price	Contract Amount as Adjusted by Change Orders	Total Qty Installed	Change Order No. 10 Qty	Change Order No. 10 Amount
	Sanitary Sewer							
1	2" DR-11 HDPE Sewer Force Main	LF	31690	\$14.12	\$447,462.80	31698	8	\$112.96
2	3" DR-11 HDPE Sewer Force Main	LF	4300	\$15.13	\$65,059.00	4150	-150	-\$2,269.50
3	4" DR-11 HDPE Sewer Force Main	LF	11000	\$16.67	\$183,370.00	10479	-521	-\$8,685.07
4	6" DR-11 HDPE Sewer Force Main	LF	2750	\$21.20	\$58,300.00	2645	-105	-\$2,226.00
5	1.25" DR-11 HDPE Connection	LF	0	\$14.91	\$0.00	0	0	\$0.00
6	2" DR-11 HDPE Connection	LF	4302	\$17.98	\$77,349.96	4225	-77	-\$1,384.46
7	Duplex GrinderPump station & Valve Vault Installed & tested							
	Layout	EA	127	\$400.00	\$50,800.00	126	-1	-\$400.00
	Excavate for Pit	EA	127	\$1,000.00	\$127,000.00	127	0	\$0.00
	Set Station	EA	127	\$3,000.00	\$381,000.00	126	-1	-\$3,000.00
	Install Pole , Meter, Disconnect	EA	127	\$1,500.00	\$190,500.00	126	-1	-\$1,500.00
	Complete Electric	EA	127	\$500.00	\$63,500.00	126	-1	-\$500.00
	Install Control Panel	EA	127	\$250.70	\$31,838.90	126	-1	-\$250.70
	Install Bollards	PR	127	\$150.00	\$19,050.00	106	-21	-\$3,150.00
	Restoration	EA	127	\$1,192.28	\$151,419.56	126	-1	-\$1,192.28
8	2" Flushout Connection	EA	36	\$407.17	\$14,658.12	36	0	\$0.00
9	6" Gravity Service Clean-out	EA	350	\$328.16	\$114,856.00	330	-20	-\$6,563.20
10	6" Gravity Service Lateral Piping	LF	10155	\$49.64	\$504,094.20	10137	-18	-\$893.52
11	2" HDPE Division Valve	EA	60	\$416.73	\$25,003.80	60	0	\$0.00
12	3" HDPE Division Valve	EA	3	\$630.77	\$1,892.31	2	-1	-\$630.77
13	4" HDPE Division Valve	EA	3	\$920.71	\$2,762.13	3	0	\$0.00
14	6" HDPE Division Valve	EA	3	\$1,463.65	\$4,390.95	1	-2	-\$2,927.30
	Stormwater							

Marathon Area 7 Collection and Stormwater Project
Change Order No. 10 - Final Balancing Change Order

16	18" Perforated ADS Drain Type A	LF	1260	\$100.17	\$126,214.20	1224	-36	-\$3,606.12
17	18" Perforated ADS Drain Type B	LF	2008	\$82.63	\$165,921.04	1821	-187	-\$15,451.81
18	18" HDPE Tees	EA	9	\$528.50	\$4,756.50	9	0	\$0.00
19	18" Perforated End Caps	EA	7	\$332.96	\$2,330.72	6	-1	-\$332.96
20	Well Control Structures	EA	11	\$6,778.68	\$74,565.48	11	0	\$0.00
21	8" Injection Well	EA	1	\$21,501.24	\$21,501.24	1	0	\$0.00
22	10" Injection Well	EA	0	\$23,341.24	\$0.00	0	0	\$0.00
23	12" Injection Well	EA	8	\$19,017.66	\$152,141.28	8	0	\$0.00
24	16" Injection Well	EA	1	\$27,251.24	\$27,251.24	1	0	\$0.00
25	18" Injection Well	EA	1	\$29,551.24	\$29,551.24	1	0	\$0.00
26	Nylon Inlet Structures	EA	25	\$3,603.69	\$90,092.25	23	-2	-\$7,207.38
27	Bonds, Insurance, Taxes	LS	1	\$181,938.34	\$181,938.34	1	0	\$0.00
28	Mobilization	LS	1	\$119,505.17	\$119,505.17	1	0	\$0.00
29	Calculation Error (CO 1)	LS	0	\$1.07	\$0.00	0	0	\$0.00
30	4' Precast Manhole (CO 2)	EA	3	\$5,000.00	\$15,000.00	3	0	\$0.00
31	Tri Plex Grinder Pump Station (CO 2)	EA	1	\$10,000.00	\$10,000.00	1	0	\$0.00
32	8" SDR 35 PVC Gravity Main (CO 2)	LF	340	\$56.00	\$19,040.00	340	0	\$0.00
33	46th ST Injection Well (CO 2)	EA	1	\$25,796.34	\$25,796.34	1	0	\$0.00
34	Removal Stormwater Components (CO 2)	LS	1	-\$63,254.86	-\$63,254.86	0	-1	\$63,254.86
35	Gibson Street Relocate (CO 3)	LS	1	\$4,600.00	\$4,600.00	1	0	\$0.00
36	Additional Asphalt (CO 4)	SY	670	\$50.00	\$33,500.00	459	-211	-\$10,550.00
37	Relocate Water Main (CO 4)	LS	1	\$5,600.00	\$5,600.00	1	0	\$0.00
	46th ST Catch Basin							
38	Core drill Inlet in Well (CO 4)	LS	1	\$500.00	\$500.00	1	0	\$0.00
	Guava Well Structures							
39	Deduct Well (CO 4)	EA	1	-\$6,778.65	-\$6,778.65	0	-1	\$6,778.65
40	Mobilization (CO 4)	EA	1	\$2,000.00	\$2,000.00	1	0	\$0.00
41	Reef II (CO 4)	LS	1	\$13,436.79	\$13,436.79	1	0	\$0.00

Marathon Area 7 Collection and Stormwater Project
Change Order No. 10 - Final Balancing Change Order

42	Remove Contaminated Fill from Site (CO 6)	LS	1	\$32,595.00	\$32,595.00	1	0	\$0.00
43	Remove Valve box & Assembly (CO 6)	LS	1	\$949.68	\$949.68	1	0	\$0.00
44	Install Traffic Rated Valve Box Lid (CO 6)	LS	1	\$1,643.54	\$1,643.54	1	0	\$0.00
45	Blue Isle Patching (Credit)	SY	218	-\$23.79	-\$5,186.22	0	-218	\$5,186.22
46	Construction of Blue Isle Drive (CO8)	SY	675	\$38.06	\$25,690.50	0	-675	-\$25,690.50
47	46th Street Asphalt Overlay (CO8)	LS	1	\$23,175.41	\$23,175.41	1	0	\$0.00
48	Additional Survey Costs (CO8)	LS	1	\$3,900.00	\$3,900.00	1	0	\$0.00
49	Fiber Optic Pull Box Repair (CO8)	LS	1	\$822.94	\$822.94	1	0	\$0.00
50	Adjustment of Infrastructure to Accommodate Property Owner Changes (CO8)	LS	1	\$19,377.01	\$19,377.01	1	0	\$0.00
51	Bollard Modifications (CO8)	LS	1	\$20,946.60	\$20,946.60	1	0	\$0.00
52	Blue Isle 2" of S-I Overlay (CO9)	LS	1	\$25,690.50	\$25,690.50	1	0	\$0.00
53	Additional Mill & Patch (CO9)	SY	2500	\$23.79	\$59,475.00	2401	-99	-\$2,355.21
54	Limerock for Shoulder Stabilization (CO9)	CY	122	\$54.90	\$6,697.80	84	-38	-\$2,086.20

Total -\$27,520.29