

CITY OF MARATHON, FLORIDA
RESOLUTION 2013-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 2 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; INCREASING THE CONTRACT IN AN AMOUNT OF \$52,479.58; EXTENDING THE DATE FOR SUBSTANTIAL COMPLETION 160 DAYS AND FINAL COMPLETION 140 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 16th 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, during the construction of the Project Caribe encountered unforeseen buried materials; and

WHEREAS, Change Order No. 2 will increase the Contract in an amount of \$52,479.58 and extend the Substantial Completion by 160 days and the Final Completion by 140 days.

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

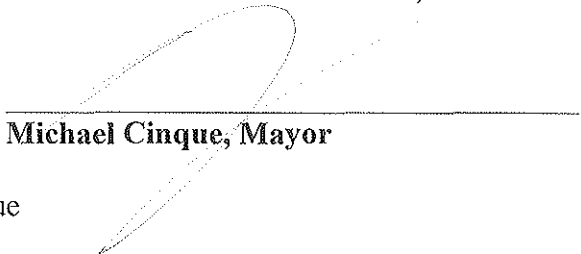
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 2 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 9th DAY OF APRIL, 2013.**

THE CITY OF MARATHON, FLORIDA



Michael Cinque, Mayor

AYES: Snead, Bull, Ramsay, Keating, 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. 2

TO: City of Marathon

PROJECT: City of Marathon Keys RV/Mobile Home Condominium Association, Inc. On-site Wastewater Collection System Contract dated January 24, 2012, in the original amount of \$657,322.00.

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Caribe Utilities of Florida, Inc.

DATE: March 26, 2013

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

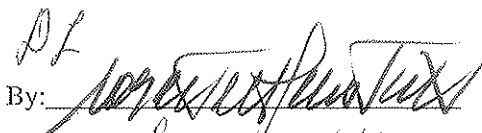
The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

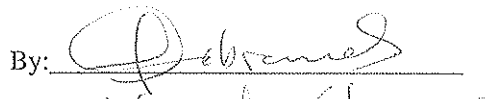
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under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

DL
By: 
Name: Roger Hensoldt
Title: City Manager.

By: 
Name: Miguel Cabianes
Title: President.

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 2
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>\$ 730,722.25</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 52,479.58</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 783,201.83</u>
(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>250 Days</u>
(8)	Final Completion	<u>300 Days</u>
(9)	Total Proposed Change in Contract Time to Substantial	<u>160 Days</u>
(10)	Total Proposed Change in Contract Time to Final	<u>140 Days</u>
(11)	New Substantial Contract Time (Item 7 + Item 9)	<u>410 Days</u>
(12)	New Final Contract Time (Item 8 + Item 9)	<u>440 Days</u>
(13)	Original Contract Substantial Completion Date	<u>August 13, 2012</u>
(14)	Original Contract Final Completion Date	<u>September 12, 2012</u>
(15)	New Contract Substantial Completion Date	<u>April 30, 2013</u>
(16)	New Contract Final Completion Date	<u>May 30, 2013</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – Additional Work Associated with Removal of Rubbish

Description of Change: Additional compensation based on labor and equipment records for work involved in removal of scrap metal, plastics and vegetation from the area of excavation.

Reason for Change: Caribe began to encounter unusually high concentrations of rubbish in the area of trench excavation to the west of the canal. Parts of automobiles, water heaters, miscellaneous rubbish, plastics and vegetation were encountered in large quantities. The City issued a Work Directive to remove and dispose of the rubbish and to fill the resultant voids with suitable fill material. The City paid directly for the rubbish disposal fees and for the fill material. Caribe is to be compensated for labor and equipment costs.

Scope of Work:

Description	Amount
September 2012 Labor Expenses	\$21,085.25
September 2012 Equipment Expenses	\$16,180.21
October 2012 Labor Expenses	\$7,005.97
October 2012 Equipment Expenses	\$8,208.15
Total Change Order Amount	\$52,479.58

Change in Contract Price: \$52,479.58

Change in Contract Time: 22 Days added to Substantial and Final Completion

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.

Scope of Work: N/A

Change in Contract Price: \$0.00

Change in Contract Time: 138 Days added to Substantial Completion
118 Days added to Final Completion

Key RV - Change Order No. 2 Summary			
Item No.	Description	Change in Contract Price	Change in Contract Time
1	Compensation for Removal of Rubbish	\$52,479.58	22 Days
2	Additional Time to Complete Work	\$0.00	138 Days
TOTAL		\$52,479.58	160 Days

Key RV CHANGE ORDER HISTORY			
CO No.	Description	Change in Contract Price	Change in Contract Time
1	Additional Laterals Added to Project	\$73,400.25	100 Days
2	Removal of Rubbish and Additional Time	\$52,479.58	160 Days
TOTAL		\$125,879.83	260 Days