

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2013-36**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 9 TO THE CONTRACT DATED MARCH 29, 2011, WITH FOUNTAIN ENGINEERING, INC., IN THE ORIGINAL AMOUNT OF \$3,178,748.48 FOR THE CONSTRUCTION OF SERVICE AREA 3-0 WASTEWATER AND STORMWATER IMPROVEMENTS; INCREASING THE CONTRACT IN THE AMOUNT OF \$20,133.85; EXTENDING THE DATE FOR FINAL COMPLETION 350 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") entered into a contract with Fountain Engineering, Inc., ("Fountain") for the construction of the Service Area 3 Wastewater and Stormwater Collection System Project ("Project") in March of 2011 ("Contract"); and

**WHEREAS**, Change Order No. 9 is for an increase of \$20,133.85 required to complete the items requested by the Florida Keys Aqueduct Authority and extends the final completion by 350 days to close out the Contract.

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

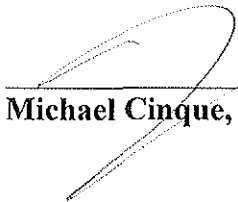
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Change Order No. 9 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.

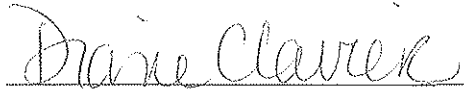
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9<sup>th</sup> DAY OF APRIL, 2013.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Michael Cinque, Mayor**

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

**ATTEST:**

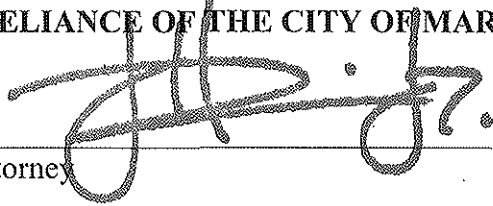


Diane Clavier, City Clerk

(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. 9

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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: 9 April 2013

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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.

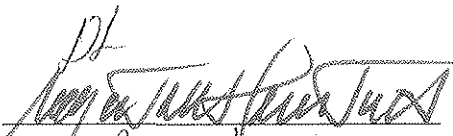
This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 3,178,745.48 under the Agreement will be **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.

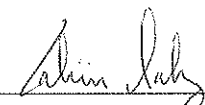
By signing below the parties indicate acceptance of this Change Order as set forth herein.

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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

By:   
Name: Roger Wronstad  
Title: City Manager

By:   
Name: Cathia Landy  
Title: Manager

END OF SECTION

## CHANGE ORDER SUMMARY

Change Order No.                  9            
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>\$ 3,389,600.69</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 20,133.85</u>
(4)	<b>New Contract Price (Item 2 + Item 3)</b>	<b><u>\$ 3,409,734.54</u></b>
(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>429 Days</u>
(8)	Final Completion	<u>459 Days</u>
(9)	Total Proposed Change in Contract Time	<u>350 Days</u>
(10)	<b>New Substantial Contract Time (Item 7 + Item 9)</b>	<b><u>779 Days</u></b>
(11)	<b>New Final Contract Time (Item 8 + Item 9)</b>	<b><u>415 Days</u></b>
(12)	Original Contract Substantial Completion Date	<u>Nov 25, 2011</u>
(13)	Original Contract Final Completion Date	<u>Dec 25, 2011</u>
(14)	<b>New Contract Substantial Completion Date</b>	<b><u>May 17, 2013</u></b>
(15)	<b>New Contract Final Completion Date</b>	<b><u>June 16, 2013</u></b>

# EXHIBIT "A"

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## CHANGES ORDERED

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### ITEM 1 – Additional Work on Fisherman’s Pointe Water Main per FKAA Requests

**Description of Change:** Remove 1” curb stops and replace with ¾” curb stop on all service connections, record GPS data points for WM, excavate joint restraints to demonstrate installation, replace O-rings on existing 2” gate valves, perform asphalt patch repair, perform pressure re-test and perform bacteriological re-test.

**Reason for Change:** FKAA requested changes and demonstrations of construction standards.

**Scope of Work:** See plans and specifications

Description	Unit	QTY	Unit Price	Total Price
Mobilization/Demobilization	LS	1	\$2,500.00	\$2,500.00
GPS Data Collection	LS	1	\$650.00	\$650.00
Replacement of Curb Stops	EA	30	\$100.00	\$3,000.00
Excavate and Expose Joint Restraints	LS	1	\$3,000.00	\$3,000.00
Replace O-rings on Existing 2" Valves	EA	2	\$350.00	\$700.00
Asphalt Restoration	LS	1	\$3,250.00	\$3,250.00
Pressure Re-Test	LS	1	\$600.00	\$600.00
Flushing and Bacteriological Re-Test	LS	1	\$185.00	\$185.00
			<b>TOTAL</b>	<b>\$13,885.00</b>

**Change in Contract Price:** \$13,885.00

**Change in Contract Time:** 20 Days

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### ITEM 2 – Perform Connection of New 4” Water Main

**Description of Change:** Tie new water main into existing 2” water main on customer side of the water meter and backflow preventer

**Reason for Change:** To activate the new water main.

**Scope of Work:** See Sheet 4 of 6 of construction plans

**Change in Contract Price:** \$6,248.85

**Change in Contract Time:** 10 Days

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ITEM 3 – Time Extension

Description of Change: Add days to Contract Times

Reason for Change: Time has elapsed since the general work on Area 3 Phase 0 was finished. Time is being added to allow for the water main work to be performed within the new Contract Times

Scope of Work: N/A

Change in Contract Price: \$0.00

Change in Contract Time: 320 Days

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AREA 3 Phase 0 CHANGE ORDER 9 SUMMARY			
No.	Description	Change in Contract Price	Change in Contract Time (Final Completion)
1	Additional Water Main Work	\$13,885.00	20 Days
2	Make Connection of New Water Main	\$6,248.85	10 Days
3	Additional Time	\$0.00	320 Days
<b>TOTAL</b>		<b>\$20,133.85</b>	<b>350 Days</b>