

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA
RESOLUTION 2013-44**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO CONTRACT BETWEEN THE CITY AND TROPIC LANDSCAPING & LAWN MAINTENANCE, INC. IN THE ORIGINAL AMOUNT OF \$162,743.00 FOR INSTALLATION OF LANDSCAPING IN THE MEDIANS ALONG THE US 1 CORRIDOR; ADDING 28 DAYS TO THE CONTRACT TIME; 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 (the "City") entered into a contract with Tropic Landscaping & Lawn Maintenance, Inc., ("Contractor") for the installation of landscaping the medians along the US1 corridor (the "Project") in December of 2012 (the "Contract"); and

WHEREAS, changes to the Scope of the Project (additional planting work in other areas of the City medians) at no cost to the City have resulted in additional time change to the original Project's final completion date by 28 days (June 15, 2013).

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

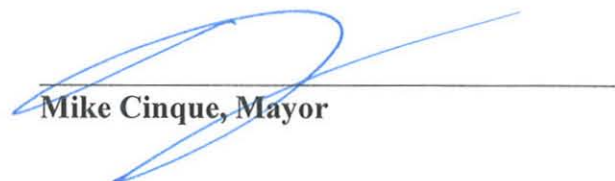
Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Change Order No. 2 to the Contract between the City and Tropic Landscaping & Lawn Maintenance, Inc., attached hereto as Exhibit "A," is hereby approved. The City Manager is authorized to execute the Change Order 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 28th DAY OF MAY, 2013.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

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

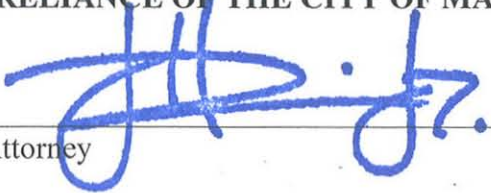
ATTEST:



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 # 2

TO: City of Marathon

PROJECT: US 1 Median Landscape Project Phase 2

ENGINEER: City of Marathon

CONTRACTOR: Tropic Landscaping & Lawn Maintenance, Inc.

DATE: May 29, 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 in Exhibits "A" attached hereto and by this reference made a part hereof.

This Change Order constitutes full, final, and complete compensation to **Tropic Landscaping & Lawn Maintenance, Inc.** for all costs, expenses, overhead, and profit, and any damages of every kind that **Tropic Landscaping & Lawn Maintenance, Inc.** may incur in connection with the above referenced changes in the Construction Work under this Agreement. **Tropic Landscaping & Lawn Maintenance, Inc.** acknowledges and agrees that (a) the Guaranteed Maximum Price of \$162,734.00 under the Agreement will be **not be changed** by this Change Order. **Tropic Landscaping & Lawn Maintenance, Inc.** 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.

CITY OF MARATHON
A Florida municipal corporation

By: _____

Name: _____

Title: _____

Tropic Landscaping & Lawn Maintenance, Inc.

By: _____

Name: _____

Title: _____

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 2
 Project Title US 1 Median Landscape Project, Phase 2
 Bid No. N/A
 Owner: City of Marathon
 Contractor: Tropic Landscaping & Lawn Maintenance, Inc.
 Agreement Date: December 20, 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>\$162,743.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$162,743.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$0.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$162,743.00</u>
(5)	Original Contract Time	<u>90 Days</u>
(6)	Proposed Change in Contract Time	<u>17 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>101 Days</u>
(7)	Total Proposed Change in Contract Time	<u>28 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>118 Days</u>
(9)	Original Contract Final Completion Date	<u>May 18, 2013</u>
(10)	New Contract Final Completion Date	<u>June 15, 2013</u>

SOMBRERO BEACH ROAD EXTENSION CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.	Time Adjustment	\$162,743.00	\$0.00	\$0.00	\$0.00	11Days
2.	Time Adjustment	\$162,743.00	\$0.00	\$0.00	\$0.00	17 Days
Total					\$0.00	28 Days

This change order is the result of relocation some excess ground cover from the project area to Landscape Island in the parking area along Sombrero Beach and additional medians along US 1, and trees removed from the project area as a condition of the FDOT permit to a different location. As a result of the above noted changes, the contract time is extended to accommodate the site preparation and installation of landscaping at the noted locations. No change in contract price is proposed.