

**CITY OF MARATHON, FLORIDA
RESOLUTION 2013-53**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. ONE BETWEEN EASTMAN AGGREGATE ENTERPRISES, LLC., IN A TOTAL DEDUCT AMOUNT OF \$128,504.55 FOR BID LINE ITEMS A, B AND E REFLECTING ACTUAL AMOUNTS USED FOR SEAWEED REMOVAL AND SAND RENOURISHMENT TO COMPLETE DUNE RESTORATION PROJECTS AT COCO PLUM BEACH; REVISING THE CONTRACT AMOUNT FROM \$277,172.50 TO \$148,667.95; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER ONE ON BEHALF OF THE CITY; PROVIDING FOR A REVISED PROJECT COMPLETION DATE FOR SOMBRERO BEACH OF DECEMBER 31, 2013; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon ("City") solicited proposals for the purchase of Florida Department of Environmental Protection ("FDEP") approved sand to complete the Cocoplum Beach and Sombrero Beach dune restoration projects ("Project"); and

WHEREAS, it was determined that the sole proposal received from Eastman Aggregate Enterprises, LLC. ("Contractor"), in the amount of \$277,172.50 was responsive and responsible, and the City entered into a contract with Contractor for the Project; and

WHEREAS, the Contractor was only able to complete the Coco Plum Beach portion of the Project by the May 31, 2013 FDEP deadline because the Project schedule was delayed due to FDEP and Florida Fish and Wildlife Conservation Commission permitting issues, and the Project was further impacted due to the imminent start of the turtle nesting season; and

WHEREAS, a reconciliation of the quantity of materials used for the Coco Plum Beach portion of the Project disclosed that 234 cubic yards of seaweed was removed, 1,117 cubic yards of sand was deposited, the survey requirement was deleted from the scope of services, and 650 sea oats planted and the Sombrero Beach project has been delayed until after turtle nesting season; and

WHEREAS, the City Council finds that approving of the Change Order No. One is in the best interest of the City.

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. The Change Order No. One in a deduct amount of \$128,504.55 attached 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 9th DAY OF JULY, 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 LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney

CHANGE ORDER # 1

TO: City of Marathon

PROJECT: Seaweed Removal and Sand Renourishment – CocoPlum and Sombrero
Beaches

CONSTRUCTION ENGINEER: Weiler Engineering

CONTRACTOR: Eastman Aggregates.

DATE: June 18, 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 Eastman Aggregate Enterprises, LLC for all costs, expenses, overhead, and profit, and any damages of every kind that Eastman Aggregate Enterprises, LLC may incur in connection with the above referenced changes in the Construction Work under this Agreement. Eastman Aggregate Enterprises, LLC acknowledges and agrees that (a) the Guaranteed Maximum Price of \$277,172.50 under the Agreement will be **reduced** by this Change Order. Eastman Aggregate Enterprises, LLC 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: Roger T. Hernstadt

Title: City Manager

Eastman Aggregate Enterprises, LLC

By: 

Name: Bernie Eastman

Title: Managing Member

Exhibit "A"

CHANGE ORDER SUMMARY

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>\$277,172.50</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$277,172.50</u>
(3)	Total Proposed Change in Contract Price Bid Line 1	<u><\$1,617.00></u>
(4)	Total Proposed Change in Contract Price Bid Line 2	<u><\$126,137.55></u>
(5)	Total Proposed Change in Contract Price Bid Line 5	<u>< 750.00></u>
(6)	New Contract Price (Item 2 + Item 3 + Item 4 + Item 5)	<u>\$148,667.95</u>
(9)	Original Contract Substantial Completion Date	<u>Jun 10, 2013</u>
(10)	New Contract Substantial Completion Date	<u>December 31, 2013</u>

Item Narrative

This change order serves for the purposes of balancing actual quantities installed in the field at Coco Plum Beach and adjust the contract amount based on the installed quantities as stipulated in the contract documents.

An addition is also made to the contract for additional time due to FWC time limit for Sombrero Beach scope could not be met due to turtle nesting season.



CITY OF MARATHON, FLORIDA

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 www.ci.marathon.fl.us

3. Schedule of Prices bid is revised as follows:

1	2	3	4	5
Item	Description	Estimated Quantity	Price per Unit	Total Extended (column 3 multiplied by column 4)
A	Coco Plum Beach Seaweed Removal Contractor will load, haul and dump seaweed and debris at approved trash transfer station. (Tipping fees to be paid by City - dump tickets to be submitted as proof of loads)	(estimated 300 cubic yards) <i>(actual 234 cubic yards)</i>	\$24.50 per cubic yard	\$ 1,350.00
B	Coco Plum Sand Renourishment (Eastman Aggregates or other FDEP approved)	(estimated 3,000 cubic yards) <i>(actual 1,172.35)</i>	\$67.00 per cubic yard	\$ 201,000.00
C	Coco Plum Dune Restoration - supply and install sea oats (estimated 10% lost due to Isaac) (Coastal Growers or equivalent)	650 plants <i>(actual verified)</i>	\$ 1.65 each	\$ 1,072.50
D	Sombrero Sand Renourishment <i>(to be completed after turtle nesting)</i>	(estimated 1,000 cubic yards)	\$67.00 per cubic yard	\$ 67,000.00
E	Allowance for post contract completion beach survey	1	Lump Sum	\$750 estimate <i>N/R - Original.</i>

*close line A
short.*

*close line B
short.*

ok

*John Grimes
separate invoice*

Total Bid Amount \$ 277,172.50

4. This Addendum Must Be Returned With Submittal In Order For Bidder To Be Considered Responsive.

Name of Company Eastman Aggregate Enterprises, LLC

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