

CITY OF MARATHON, FLORIDA  
RESOLUTION 2013-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 3 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 THE AMOUNT OF \$28,781.08; EXTENDING THE DATE FOR SUBSTANTIAL COMPLETION 217 DAYS AND FINAL COMPLETION 320 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 16<sup>th</sup> 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**, as part of the construction of the Project, additional work necessary to fill and compact the area where excessive excavation was performed, and place an additional 1.25” of structural asphalt, and run underground electrical service to the onsite grinder pump stations rather than installing aerial lines as per the Keys RV Home Condominium Association’s request is necessary; and

**WHEREAS**, Change Order No. 3 will increase the Contract in the amount of \$28,781.08 and extend the Project’s Substantial Completion by 217 days and the Project’s Final Completion by 320 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. 3 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 26<sup>th</sup> DAY OF NOVEMBER, 2013.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
Mayor Dick Ramsay

AYES: Bull, Keating, Senmartin, Snead, Ramsay  
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:**

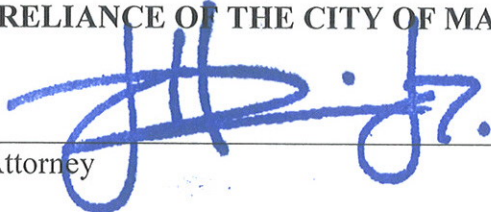
  
\_\_\_\_\_  
City Attorney

EXHIBIT "A"  
CHANGE ORDER

CHANGE ORDER NO. 3

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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: Weller Engineering Corporation

CONTRACTOR: Caribe Utilities of Florida, Inc.

DATE: October 15, 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 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.

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THE CITY OF MARATHON  
a Florida municipal corporation

CONTRACTOR

By: Peter Rosales

Name: Peter Rosales

Title: Acting City Manager

By: Miguel Cabranes

Name: Miguel Cabranes

Title: President. 11/20/13

END OF SECTION

## CHANGE ORDER SUMMARY

Change Order No. 3  
Project Title Keys RV/Mobile Home Condominium Association, Inc. On-site Wastewater  
Collection System Contract  
Bid No. N/A  
Owner: City of Marathon  
Contractor: Fountain Engineering 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>\$ 783,201.83</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 28,781.08</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 811,982.91</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>410 Days</u>
(8)	Final Completion	<u>440 Days</u>
(9)	Total Proposed Change in Contract Time to Substantial	<u>217 Days</u>
(10)	Total Proposed Change in Contract Time to Final	<u>320 Days</u>
(11)	New Substantial Contract Time (Item 7 + Item 9)	<u>627 Days</u>
(12)	New Final Contract Time (Item 8 + Item 9)	<u>760 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>December 03, 2013</u>
(16)	New Contract Final Completion Date	<u>April 15, 2014</u>

# EXHIBIT "A"

## CHANGES ORDERED

### ITEM 1 – Additional Work Associated with Removal of Rubbish

**Description of Change:** Additional rework of limerock base and placement of 1.25" of Type S-I structural asphalt base course in the area where excessive excavation was needed due to removal of rubbish and debris.

**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. This resulted in removal of large portions of the existing asphalt, making trench patching not practical. Reworking of the limerock base and placement of a base course of structural asphalt is needed to restore the road to pre-construction conditions.

**Scope of Work:**

Description	Units	Qty	Unit \$	Extended \$
Remove asphalt, add limerock, rework road base	SY	868	\$15.56	\$13,506.08
Install 1.25" of Type S-I Asphalt	SY	868	\$18.00	\$15,624.00
Deduct Trench Patch, Main Line	SY	-290	\$9.00	-\$2,610.00
Deduct Trench Patch, Laterals	SY	-71	\$9.00	-\$639.00
<b>Total Change Order Amount</b>				<b>\$25,881.08</b>

**Change in Contract Price:** \$25,881.08

**Change in Contract Time:** 0 Days added to Substantial and Final Completion

### ITEM 2 – Modification to Electrical Service

**Description of Change:** Additional cost agreed to by Keys RV to place electrical service lines underground rather than overhead.

**Reason for Change:** Keys RV preferred to have the electrical service from the FKEC tap to the new electrical meters run underground rather than aerially. Caribe agreed to install the underground electrical for an additional cost of \$2,900.00. Keys RV agreed to the cost and has provided a check to the City of Marathon to add the changed electrical routing to the scope of work.

Scope of Work: Excavate and place electrical conduit underground from FKEC pole to new electric meters, backfill and compact.

Change in Contract Price: \$2,900.00

Change in Contract Time: 0 Days added to Substantial Completion  
0 Days added to Final Completion

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ITEM 3 – Additional Time to Complete Work

Description of Change: Additional days to complete the scope of work

Reason for Change: The City has instructed Caribe to complete the connections of the individual units to the new sewer system prior to installation of the final asphalt overlay. The Contract can't be closed out until the asphalt overlay is completed.

Scope of Work: N/A

Change in Contract Price: \$0.00

Change in Contract Time: 330 Days added to Substantial Completion  
330 Days added to Final Completion

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Key RV - Change Order No. 3 Summary			
Item No.	Description	Change in Contract Price	Change in Contract Time
1	Compensation for Removal of Rubbish	\$25,881.08	0 Days
2	Move Electric Service Underground	\$2,900.00	0 Days
3	Additional Time to Complete Work	\$0.00	330 Days
<b>TOTAL</b>		<b>\$28,781.08</b>	<b>330 Days</b>

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
3	Asphalt Base Course and Additional Time	\$28,781.08	330 Days
<b>TOTAL</b>		<b>\$154,660.91</b>	<b>590 Days</b>