

**CITY OF MARATHON, FLORIDA
RESOLUTION 2019-35**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO CONTRACT BETWEEN THE CITY AND DISCOUNT ROCK & SAND, INC. IN THE ORIGINAL AMOUNT OF \$1,343,241.00 FOR THE RECONSTRUCTION OF SOMBRERO BEACH FROM HURRICANE IRMA DAMAGES; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$157,400 FOR CONSTRUCTION OF THE EXTERIOR WALL IN LIEU OF A FENCE AS APPROVED BY FEMA FOR HAZARD MITIGATION, AND VARIOUS OTHER ITEMS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER AND APPROPRIATE FUNDS AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”) awarded the contract for the reconstruction of Sombrero Beach Project” (the “Project”) by Resolution 2019-15 on February 12, 2019; and

WHEREAS, as part of the reconstruction of Sombrero Beach due to damages suffered from Hurricane Irma, the City applied for hardening mitigation funding for the construction of a wall along the perimeter of the property to contain the sand on the site and minimize the damage to the adjacent infrastructure and FEMA approved the funding; and

WHEREAS, as part of the bid, an alternate price was requested for the construction of the wall. This change order includes the credit for the fence included in the base bid, and the cost for the wall as established in the bid as well as a few minor adjustments to the design for decorative fencing; and

WHEREAS, change order #1 is found to be reasonable for the additional work requested by City staff to be performed by Discount Rock and Sand, as the General Contractor, in the amount of \$157,400.

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

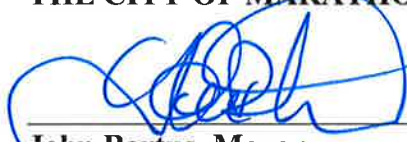
Section 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Change Order #1 is attached hereto, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney is hereby approved. The City Manager is authorized to execute the contract 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, 2019.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Cook, Gonzalez, Senmartin, Zieg, Bartus
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:**



David Migut, City Attorney

CHANGE ORDER # 1 –

TO: City of Marathon
PROJECT: Sombrero Beach Irma Reconstruction Project
ENGINEER: Weiler Engineering
CONTRACTOR: Discount Rock & Sand, Inc.
DATE: April 1, 2019

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 "B" attached hereto and by this reference made a part hereof.

This Change Order constitutes full, final, and complete compensation to **Discount Rock & Sand, Inc.** for all costs, expenses, overhead, and profit, and any damages of every kind that **Discount Rock & Sand, Inc.** may incur in connection with the above referenced changes in the Construction Work under this Agreement. **Discount Rock & Sand, Inc.** acknowledges and agrees that (a) the Guaranteed Maximum Price of \$1,343,241.00 under the Agreement will be **changed** by this Change Order. **Discount Rock & Sand, 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: _____

Discount Rock & Sand, Inc.

By: _____

Name: _____

Title: _____


Name: Charles Lindsey
Title: City Manager



Name: EDILBERTO LOPEZ
Title: President

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 1
Project Title **City of Marathon City Hall Project**
Bid No. 2018-009
Owner: City of Marathon
Contractor: **Discount Rock & Sand, Inc.**
Agreement Date: February 26, 2019

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>\$1,343,241.00</u>
(2)	Current Contract Price (Adjusted by Previous C.O.)	<u>\$1,343,241.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 157,400.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$1,500,641.00</u>
(5)	Original Contract Time	<u>180 Days</u>
(6)	Proposed Change in Contract Time	<u>0 Days</u>
(6)	Current Contract Time (Adjusted by Previous C.O.)	<u>180 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>180 Days</u>
(9)	Original Contract Final Completion Date	<u>September 18, 2019</u>
(10)	New Contract Final Completion Date	<u>September 18, 2019</u>

CITY OF MARATHON CITY HALL PROJECT CHANGE ORDER HISTORY

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		<u>\$1,343,241.00</u>	<u>\$206,000.00</u>	\$48,600.00	<u>\$157,400.00</u>	0 Days
Total		\$1,343,241.00	\$206,000.00	\$48,600.00	\$157,400.00	0 Days

Exhibit "B"

CHANGE ORDER JUSTIFICATION

The contract included an alternate bid for the construction of a perimeter wall-fence in lieu of a six foot fence. Subsequent to the contract, FEMA has approved the hazard mitigation for the construction of the wall to protect the infrastructure adjacent to the beach in future storms. Credit is issued for the six foot fence in the original contract.

The City also requested the fence portion along the main entrance to be a decorative aluminum fence similar to the aluminum fence in that area prior to the storm. The cost also includes the decorative gates in this area.

We have also requested that the contractor install sumps between the showers and foot wash stations, and the drainfields. This will allow City staff to clean-out the sumps of accumulated sand and prevent the sand from entering the drainfields, which is more difficult.

DISCOUNT ROCK & SAND, INC.

P.O. Box 504484 • Marathon, FL 33050
(305) 743-5680 Office • (305) 289-4200 Fax

Sombrero Beach Irma Recovery Project
P2019-0301

DEDUCTS

CREDIT FOR 1450 LF OF 6' CHAIN LINK FENCE	\$38,000.00
CREDIT FOR FRENCH DRAIN	\$7,000.00
CREDIT FOR 2-6'X6' GATE @\$900.00 EACH	\$1800.00
CREDIT FOR 1-12'X6' GATE @ \$900.00	\$900.00
CREDIT FOR 1-8'X6' GATE @ \$900.00	\$900.00
TOTAL CREDIT DEDUCT	\$48,600.00

ADD ON

1. 1464 LF OF 3' WALL W/FENCE INCLUDES 14' ADDITIONAL LENGTH	\$156,501.60
2. BASE PLATES WITH 3' FENCE POST (150) QUANTITY + (12) FOR CITY FUTURE REPLACEMENT	\$16,200.00
3. EXTENDED RETAINING WALL AREA (GAZEBO AREA CONFLICT)	\$ 6,500.00
4. IRRIGATION AND RPZ FOUNDATION 10'L X 3'W X 5'H	\$ 6,500.00
5. ADDITIONAL ALUMINUM DECORATIVE FENCE PANEL W/ (2) FENCE DOORS AT ENTRANCE	\$15,000.00
<u>6. (5) SAND COLLECTOR BY SHOWERS / FOOT WASH @ \$1059.68 EACH</u>	<u>\$5298.40</u>
TOTAL ADDITION	\$206,000.00
TOTAL CHANGE ORDER AMOUNT	\$157,400.00