

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA
RESOLUTION 2019-65**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER #2 FOR “39TH STREET STORM WATER IMPROVEMENT PROJECT” WHICH WAS APPROVED BY RESOLUTION 2018-78 ON AUGUST 12, 2018; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”) approved a contract by Resolution 2018-78 for “39th Street Storm Water Improvements Project,” with Charlie Toppino and Sons, Inc (the “Contractor”) on August 12, 2018 (the “Project”); and

WHEREAS, staff and our engineer have requested addition work for pipe cleaning and debris disposal caused by Hurricane Irma; and

WHEREAS, the City Council finds that approving the change order for the Project with the Contractor 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. Change Order #2 between the City and Contractor for the Project in an amount not to exceed \$5,141.06, a copy of which is 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 11th DAY OF JUNE, 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

EXHIBIT "C"
CHANGE ORDER

CHANGE ORDER NO. 02

TO: City of Marathon

PROJECT: 39th Street Stormwater Improvements Project

CONTRACTOR: Charlie Toppino & Sons Inc.

DATE: May 16th, 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 on **Exhibit "1"** 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, and/or time adjustments 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 the Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$374,331.56 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.


CONSENT OF SURETY TO CHANGE ORDER

The Surety Agrees that this change order is not a cardinal change and if the Change Order includes an increase in the Contract amount, then the penal amount of the payment and performance bond issued for this Contract is increased by the dollar amount of this Change Order.

Surety's Name and Corporate Seal (Seal)

By: _____
Signature and Title
City of Marathon

Attest: Rey Martinez Operations Director
Signature and Title
Contractor

By: 
Name: Charles Lindsey
Title: City Manager

By: Rey Martinez
Name: Rey Martinez
Title: Director of Operations

Exhibit "1"

CHANGE ORDER SUMMARY

This Change Order is necessary to cover changes in the Work to be performed under this Agreement. Except as may be modified herein all of the provisions of the Agreement apply to and govern all Work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE AGREEMENT DOCUMENTS:

(1)	Original Contract Price	\$341,550.00
(2)	Current Contract Price (Adjusted by Previous Change Orders)	\$374,331.56
(3)	Total Proposed Change in Contract Price	\$5,141.06
(4)	New Contract Price (Item 2 + Item 3)	\$379,472.62
(5)	Original Contract Time	90 Days
(6)	Proposed Change in Contract Time	30 Days
(7)	Current Contract Time (Adjusted by Previous CO)	120 Days
(8)	Total Change in Contract Time	60 Days
(9)	New Contract Time (Item 6 ± Item 7)	150 Days
(10)	Original Contract Substantial Completion Date	April 10, 2019
(11)	New Contract Substantial Completion Date	June 9, 2019

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
I.	CO #1	\$341,550.00	\$32,781.56	\$0	\$32,781.56	30
II	CO#2	\$374,331.56	\$5,141.06	\$0	\$5,141.06	30
III						
IV						
V						
VI						
Total					\$37,922.62	60

The Change Order is a result of: Owner's scope of work now has expanded to include jetting and cleaning the stormwater piping and replacing corroded grates that requires a cost change and additional time. This additional work will allow the stormwater system to work as originally planned in the design.

The cost breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
Jetting and Cleaning Stormwater Pipes (3)	\$2,400.00
Replacing Existing Grates (2)	\$637.50
Performance/Payment Bonds	\$613.56
General Conditions	\$1,490.00
TOTAL	\$5,141.06



*Charley Toppino & Sons
129 Toppino Industrial Dr
Key West, FL
305-296-5606*

John Sinn
Weiler Engineering
6805 Overseas Hwy.
Marathon, FL 33050

Dear Mr. Sinn,

Please see attached proposal for Change Order #2 for the 39th St Stormwater Improvements Project.

Sincerely,

Jordan Mannix-Lachner

CHARLEY TOPPINO & SONS, INC.

CHARLEY TOPPINO & SONS, INC.
P.O. BOX 787
KEY WEST, FL 33041

Phone: 305 296-5606
Fax: 305 296-5189

Change Order PROPOSAL

Number: 2

PROJECT: Jet Out Storm Drains at 39th St

DATE: 5/14/2019

TO: John Sinn E.I.
Weiler Engineering
Marathon FL 33050

PROJECT #: 1827

COST CODE: _____

DESCRIPTION OF CHANGE:

Additions to multiple line items

ITEM	DESCRIPTION	Quantity	Unit Price	AMOUNT
1	Water Jet/Clean 3 Storm Drains on 39th St.	1	S 2,400.00	S 2,400.00
2	Install 2 New 28x36" DOT Galv Grates	2	S 318.75	S 637.50
4	Performance/Payment Bonds	1	S 613.56	S 613.56
5	General Conditions	1	S 1,490.00	S 1,490.00
6				
7				
8				
TOTAL:				\$5,141.06

1. It is understood and agreed that the acceptance for this Change Order by this Subcontractor constitutes an accord and satisfaction with the terms of this Change Order.
2. The amount of the Change Order covers all direct and indirect costs.
3. It is further understood and agreed that all terms and conditions of said Contract, as it may therefore have been modified shall remain the same.
4. Acceptance of the Change Order acknowledges acceptance of all previous Change Order work by the Subcontractor and Contractor as well as any adjustments to the Subcontractor amount and modifications as reflected above.
5. This Change Order includes all items necessary for a complete installation including, but not necessarily limited to labor, supervision, materials, transportation, incidentals, taxes, and any other items necessary for a complete installation.

The Original Contract Sum was.....	\$341,550.00
Net Change by Previously Authorized Requests & Changes.....	\$ 32,781.56
The Contract Sum Prior to This Change Order was.....	\$ 374,331.56
The Contract Sum Will be Increased / Decreased.....	\$ 5,141.06
The New Contract Sum Including This Change Order.....	\$ 379,472.62
The Contract Time Will / Will Not be Changed (Days).....	30 additional days

ACCEPTED:

CHARLEY TOPPINO & SONS, INC.

CITY OF MARATHON

By: Jack Owen

Project Manager

Printed Name & Title

By: 
Charles Lindsey, City Manager

Printed Name & Title

Date: 5/14/2019

Date: June 20, 2019