

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-93**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A CONTRACT CHANGE ORDER #1 WITH KEY HONEY CONTRACTING, LLC FOR THE AREA 3 & 4 FORCE MAIN PROJECT IN AN AMOUNT NOT TO EXCEED \$73,586.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT CHANGE ORDER #1 APPROPRIATING AND EXPENDING 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 “Area 3 & 4 Force Main Project” (the “Project”) and issued a notice to proceed on October 1, 2020; and

**WHEREAS**, change order #1 is found to be reasonable for the additional work requested by City staff and recommended by the city’s engineer to be performed by Key Honey Contracting, as the General Contractor, in the amount of \$73,586.00; and

**WHEREAS**, the City wishes to execute this change order #1 for re-routing due to unforeseen conflicts with the designed path of the force main.

**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 8<sup>th</sup> DAY OF DECEMBER 2020.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Luis Gonzalez, Mayor**

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

  
\_\_\_\_\_  
Steve Williams, City Attorney

**EXHIBIT "A"**  
**CHANGE ORDER**

**CHANGE ORDER NO. 1**

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**TO: City of Marathon**

**PROJECT: Marathon Area 3 to 4 Force Main Project**

**CONTRACTOR: Key Honey**

**DATE: 12/8/2020**

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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 "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 \$419,415.00 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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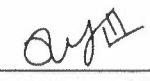
CONSENT OF SURETY TO CHANGE ORDER


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.

Old Republic Surety Company \_\_\_\_\_ (Seal)

Surety's Name and Corporate Seal

By:   
Signature and Title Michael G. Zervos, Attorney-in-Fact  
City of Marathon

Attest:   
Signature and Title  
Contractor

X   
George Garrett  
City Manager

By: \_\_\_\_\_

Name: - - - - -

Title: \_\_\_\_\_

By: Richard Gibbs III

Name: - - - - -

Title: President

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                                     | <u>\$ 419,415.00</u>                  |
| (2)  | Current Contract Price (Adjusted by Previous Change Orders) | <u>\$ 419,415.00</u>                  |
| (3)  | Total Proposed Change in Contract Price                     | <u>\$ 73,586.00</u>                   |
| (4)  | New Contract Price (Item 2 + Item 3)                        | <u>\$ 493,001.00</u>                  |
| (5)  | Original Contract Time (Days)                               | <u>90 Days</u>                        |
| (6)  | Current Contract Time (Adjusted by Previous Change Orders)  | <u>90 Days</u>                        |
| (7)  | Total Proposed Change in Contract Time                      | <u>92 Days</u>                        |
| (8)  | New Contract Time (Item 6 + Item 7)                         | <u>182 Days</u>                       |
| (9)  | Original Contract Substantial Completion Date               | <u>December 30<sup>th</sup>, 2020</u> |
| (10) | New Contract Substantial Completion Date                    | <u>April 1<sup>st</sup>, 2021</u>     |

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
I.	Total Contract Price	\$419,415.00	\$73,586.00	\$0.00	\$493,001.00	92
Total					\$493,001.00	92

The Change Order is a result of: Rerouting the proposed FM line to the opposite side of US 1 due to underground conflicts with the AT&T & comcast data lines. These lines were not disclosed during the City's coordination with the utility companies but were discovered during setup for FM installation.

The cost breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
Addition 690 LF of HDPE piping	\$ 55,142.00
Addition of 3 plug valves, per revision	\$ 9,000.00
General Conditions, Bonds, Insurance Adjustments	\$9,444.00
	\$
	\$
	\$
	\$
	\$
<b>TOTAL</b>	<b>\$73,586.00</b>