

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-44**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO CONTRACT BETWEEN THE CITY AND DISCOUNT ROCK & SAND, INC. IN THE CURRENT AMOUNT OF \$113,387.50 FOR CONSTRUCTION OF SOMBRERO AREA STORMWATER IMPROVEMENTS; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$9,850.50; 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 is installing improvements to the Stormwater facilities in the Sombrero area; and

WHEREAS, as part of this effort, stormwater inlets and storm sewer are being installed within the Sombrero Blvd, R/W to improve the drainage in the area; and

WHEREAS, during the installation of the storm sewer component, two conflicts with an existing force main were discovered, which required adjustment to the existing force main, and we will also be install additional structures for future maintenance and cleaning of the existing storm sewer; and

WHEREAS, this Change Order amount is \$9,850.00, the cumulative from Change Order 1 increases the total change order amount more than the limit of \$35,000, requiring Council approval; and

WHEREAS, this expenditure will be submitted for reimbursement from FDEP and is expected to be covered by the grant.

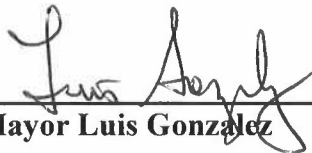
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. Change Order 2 for the Project in an amount not to exceed \$9,850.00, a copy of which is attached as Exhibit "A," 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 approved. The City Manager is authorized to sign the Change Order and expend budgeted funds.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8TH DAY OF JUNE, 2021.

THE CITY OF MARATHON, FLORIDA



Mayor Luis Gonzalez

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 "C"
CHANGE ORDER

Bond #602-128328-4

CHANGE ORDER NO. 2

TO: City of Marathon

PROJECT: Marathon Stormwater Wells

CONTRACTOR: Discount Rock and Sand

DATE: June 7, 2021

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 \$113,387.50 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.

United States Fire Insurance Company

(Seal)

Surety's Name and Corporate Seal

By: [Signature]
Signature and Title Odalis Cabrera
City of Marathon Attorney-In-Fact

By: [Signature]
Name: George Barrett
Title: City Manager

6/23/2021

Witness

~~Witness~~

[Signature]
Signature and Title

Contractor

Discount Rock & Sand, Inc.

By: [Signature]
Name: Edilberto Lopez

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>\$ 82,450.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 113,387.50</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 9,850.50</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 123,237.50</u>
(5)	Original Contract Time (Days)	<u>75 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>120 Days</u>
(7)	Total Proposed Change in Contract Time	<u>64 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>184 Days</u>
(9)	Original Contract Final Completion Date	<u>April 3rd, 2021</u>
(10)	New Contract Final Completion Date	<u>August 15th, 2021</u>

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
I.	CO #1	\$82,450.00	\$30,937.50	\$0.00	\$30,937.50	45
II.	CO #2	\$113,387.50	\$9,850.00	\$0.00	\$9,850.00	64
Total		\$113,387.50	\$40,787.50	\$0.00	\$40,787.50	109

The Change Order is a result of:

The additional work to adjust the FM on Sombrero Blvd. This includes the piping, MJ sleeves, as well as the additional MOT and surveyor services. Also, the City of Marathon has requested to add two (2) storm drain inlets with concrete collars on the existing 18" ADS stormwater piping on Sombrero Blvd for cleanout and maintenance purposes.

The cost breakdown is as follows:

Work Item Description	Price
Additional Storm Drain Inlets (2)	\$ 3,000
MJ Sleeve 4" w/ Mega Lugs, Accessories Bolt Pack/ Transition Gasket (4)	\$3,500
40 LF of DR11 Pipe	\$1,200
Concrete Collar for Basins	\$650
Additional MOT	\$750
Additional Surveyor Services	\$750
TOTAL	\$ 9,850.00

POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY

Bond #602-128328-4

02450428821

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

Christine Harris, Marina Ramil, Odalis Cabrera

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties not exceeding: **Seven Million, Five Hundred Thousand Dollars (\$7,500,000)**.

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney revokes all previous Powers of Attorney issued on behalf of the Attorneys-In-Fact named above and expires on January 31, 2022.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV. Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III. Officers, Section 3.11. Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 22nd day of August 2019

UNITED STATES FIRE INSURANCE COMPANY



Anthony R. Slimowicz, President

State of Pennsylvania }
County of Philadelphia }

On this 22nd day of August 2019, before me, a Notary public of the State of Pennsylvania, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

Commonwealth of Pennsylvania - Notary Seal
Tamara Watkins, Notary Public
Philadelphia County
My commission expires August 22, 2023
Commission number 1348843

Tamara Watkins

Tamara Watkins

(Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 17th day of June 20 21

UNITED STATES FIRE INSURANCE COMPANY



Al Wright, Senior Vice President