

**CITY OF MARATHON, FLORIDA
RESOLUTION 2010-32**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 3 TO CONTRACT DATED MAY 26, 2009 WITH CONQUEST ENGINEERING GROUP COMPANY FOR CONSTRUCTION OF SERVICE AREA 3 COLLECTION SYSTEM PROJECT (IN THE AMOUNT OF \$6,343,832) DECREASING CONTRACT PAYMENT IN AN AMOUNT NOT TO EXCEED \$958,281.85, AND REDUCING THE CONTRACT TIME BY 106 CALENDAR DAYS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the “City”) entered into a contract with Conquest Engineering Group Company (“Conquest”) for Construction of Service Area 3 Collection System Project (the “Project”) in May of 2009 (the “Contract”); and

WHEREAS, after the City issued Conquest a Notice to Proceed Conquest failed to allocate the necessary resources to move the Project forward as required by the Contract Documents. Accordingly, a deductive change to the Contract is required to complete the Project in a timely manner and maximize the City’s federal funding reimbursement potential.

WHEREAS, Change Order No. 3 is a deductive change order to the Contract Price in the amount of \$958,281.85, and a reduction of the Contract Time of the Project by 106 calendar days.

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

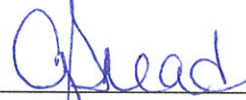
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No.3, to the Contract with Conquest attached hereto as “Exhibit A,” is hereby approved. The City Manager is authorized to execute the Change Order 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 23RD DAY OF MARCH, 2010.

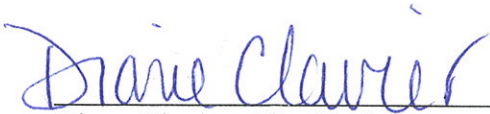
THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES: Cinque, Keating, Ramsay, Worthington, Snead
NOES: None
ABSENT: None
ABSTAIN: None

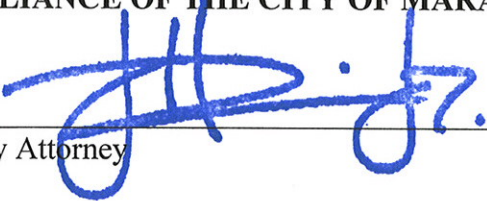
ATTEST:



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

CHANGE ORDER NO. 3

TO: City of Marathon

PROJECT: City of Marathon Service Area 3 Wastewater and Stormwater Project Contract dated May 26, 2009 , in the amount of \$6,342,332.00

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: Conquest Engineering Group Company

DATE: March 23, 2010

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 Contract Price of \$ 6,342,332.00 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.

THE CITY OF MARATHON
a Florida municipal corporation

CONTRACTOR

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

END OF SECTION

EXHIBIT A

Backup to Proposed Change Order Number 3 to the Conquest Engineering Group Area 3 Collection System Contract

Item Narrative

The proposed change order would remove a portion of the Area 3 Collection System Project from Conquest. Conquest has not placed its full resources towards the City's project as requested by the City. As a result, correspondence on February 9 and February 19, 2010 advised Conquest that the City would take appropriate measures to make progress on this Project.

At the City's request, Weiler Engineering has identified a section of Area 3 to be removed from the Conquest scope of work in accordance with the original bid. That area has been identified as Phase 1 and consists of the eastern end of the project area from 29th Street eastward. The quantities and costs to be removed are provided in the table below.

Area 3 Phase 1 Deductive Change Order

Item #	Description	Quantity	Units	Conquest Engineering Group Co.	
		Removed		Service Area 3 Bid prices	
SANITARY SEWER					
Vacuum Main					
1	4-inch SDR 21 PVC Pipe for Vacuum Sewer line, complete, in place.	838	LF	\$31.77	\$26,623.26
2	6-inch SDR 21 PVC Pipe for Vacuum Sewer line, complete, in place.	1,203	LF	\$36.90	\$44,390.70
3	8-inch SDR 21 PVC Pipe for Vacuum Sewer line, complete, in place.	1,841	LF	\$38.82	\$71,467.62
4	10-inch SDR 21 PVC Pipe for Vacuum Sewer line, complete, in place.	7,020	LF	\$44.72	\$313,934.40
5	4-inch ductile Iron, 25th Street Crossing, complete, in place.	0	Each	\$31,963.00	\$0.00
6	8-inch DR 11 HDPE US Highway 1 crossing, complete in place.	0	Each	\$7,035.00	\$0.00
7	10-inch DR 11 HDPE US Highway 1 crossing, complete in place.	0	Each	\$10,941.00	\$0.00
8	12-inch DR 11 HDPE US Highway 1 crossing, complete in place.	0	Each	\$11,557.00	\$0.00
9	Concrete Encasement	800	LF	\$30.00	\$24,000.00

	Gate Valves				
10	3-inch Gate Valve, complete, in place.	3	Each	\$730.00	\$2,190.00
11	4-inch Gate Valve, complete, in place.	5	Each	\$810.00	\$4,050.00
12	6-inch Gate Valve, complete, in place.	5	Each	\$947.00	\$4,735.00
13	8-inch Gate Valve, complete, in place.	0	Each	\$1,398.00	\$0.00
14	10-inch Gate Valve, complete, in place.	4	Each	\$2,005.00	\$8,020.00
	Service				
15	Vacuum Service Pits, Type A, complete, in place.	9	Each	\$5,871.00	\$52,839.00
16	Vacuum Service Pits, Type B, complete, in place.	5	Each	\$6,153.00	\$30,765.00
17	Vacuum Service Pits, Type D, complete, in place.	2	Each	\$5,562.00	\$11,124.00
18	3-inch Vacuum Service with Crossover connection, complete, in place.	333	LF	\$20.53	\$6,836.49
19	3-inch Vacuum Service Piping complete, in place.	207	LF	\$24.70	\$5,112.90
20	4-inch Vacuum Service Piping complete, in place.	146	LF	\$26.30	\$3,839.80
21	6-inch Vacuum Service Piping complete, in place.	209	LF	\$27.80	\$5,810.20
22	6-inch Gravity Service Lateral, complete, in place	690	LF	\$33.50	\$23,115.00
23	6-inch Gravity Service Cleanout, complete, in place.	23	Each	\$330.00	\$7,590.00
24	Connection to existing 6" vacuum main, Gulfview Ave.		Each	\$418.00	\$0.00
25	Buffer Tank, single valve, complete in place	1	Each	\$12,311.00	\$12,311.00
	Stormwater				
26	18-inch Perforated ADS Piping in Trench Drain, complete, in place.Type A	1,030	LF	\$140.70	\$144,921.00
27	18-inch Perforated ADS Piping in Trench Drain, complete, in place.Type B	121	LF	\$148.40	\$17,956.40
28	18-inch Solid ADS Pipe, complete in place, Type B	0	LF	\$137.00	\$0.00

29	Well Control Structure, complete, in place	0	Each	\$9,025.00	\$0.00
30	8-inch injection well, complete, in place.	0	Each	\$21,366.00	\$0.00
31	10-inch injection well, complete, in place.	0	Each	\$22,329.00	\$0.00
32	12-inch injection well, complete, in place.	0	Each	\$23,292.00	\$0.00
33	18-inch injection well, complete, in place.	0	Each	\$32,280.00	\$0.00
34	Drain Inlet structure, complete, in place	12	Each	\$2,731.00	\$32,772.00
35	Concrete curbing, 6" complete, in place	50	LF	\$54.00	\$2,700.00
	General				\$0.00
36	1 inch roadway overlay, Type S3, complete, in place.	8,980	SY	\$9.30	\$83,514.00
37	Striping, complete, in place	300	LF	\$2.40	\$720.00
38	Asphalt Skim Coat Leveling Course	0	Ton	\$180.00	\$0.00
39	Road Bed Milling and First Course Overlay, Type S-1, 1 1/4 inch	0	SY	\$7.20	\$0.00
40	Road Bed Replacement, Type A	0	SY	\$50.30	\$0.00
41	Road Bed Replacement, Type B	0	SY	\$23.60	\$0.00
42	Bonds and Insurance reduction at 1.8%	1	LS	\$16,944.08	\$16,944.08

Deductive
Change
Order **\$958,281.85**

In addition to the Contract price adjustment above, Conquest's contract time should be reduced to reflect the reduction in scope. Based on the CPM schedule dated January 28, 2010, the critical path portion of the work identified above was to be completed in 76 working days, or 106 calendar days. Removal of that scope of work reduces the Contract Time as tabulated below.

AREA 3	Days to Substantial Completion	Days to Final Completion	Substantial Completion Date	Final Completion Date
Original Time	515	545	December 17, 2010	January 16, 2011
Revised Time: All Change Orders	409	439	September 3, 2010	October 3, 2010