



COUNCIL AGENDA STATEMENT

Date: July 9, 2019
To: Honorable Mayor and City Council
From: Carlos A. Solis, P.E., Director of Public Works and Engineering
Through: Chuck Lindsey, City Manager

Agenda Item: **Resolution 2019-70**, Approving Change Order No. 1 To Contract Between The City And XGD Systems, LLC. In The Original Amount Of \$118,500.00.00 For The Re-Sodding Of The Soccer Fields At Community Park; Increasing The Contract In An Amount Not To Exceed \$84,444.00 For The Re-Sodding of the Baseball Fields and The Dog Park At Oceanfront Park; Authorizing The City Manager To Execute The Change Order And Expend and Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

The City entered into a contract with XGD Systems, LLC on March 7, 2019 for the re-sodding of the soccer fields at Community Park. Subsequent to the issuance of the contract, the City decided it should take advantage of the pricing to re-sod the baseball fields at Community Park, and the dog park at Ocean Front Park, which are both in need of re-sodding. The price includes a small adjustment to the unit pricing that was discovered in the sodding of the soccer field. While the unit cost went up a few cents, it is still lower than the second low bid of the original contract. Staff therefore recommends approval of the change order.

The cost for the baseball field requires appropriation of funds by the Council as this cost was not anticipated in the current budget. The cost of the dog park sodding is covered 100% by a TDC grant.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan:	_____	_____
2. Other: _____	_____	_____
3. Not applicable: X		

FISCAL NOTE:

The FY19 budget includes appropriations of \$76,400 for the Ocean Front Park project that is 100% TDC grant funded. The funding for the Community Park baseball field re-sodding will be appropriated, if approved.

RECOMMENDATION:

Approval of Resolution

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA
RESOLUTION 2019-70**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO CONTRACT BETWEEN THE CITY AND XGD SYSTEMS, LLC. IN THE ORIGINAL AMOUNT OF \$118,500.00.00 FOR THE RE-SODDING OF THE SOCCER FIELDS AT COMMUNITY PARK; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$84,444 FOR THE RE-SODDING OF THE BASEBALL FIELDS AND THE DOG PARK AT OCEANFRONT PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER AND EXPEND APPROPRIATED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”) entered into contract with XGD Systems, LLC for re-sodding the soccer fields at Community Park (the “Project”) in March of 2019; and

WHEREAS, the City wishes to take advantage of the pricing and re-sod the baseball fields and dog park at Oceanfront Park, which are both in need of Re-sodding; and

WHEREAS, the cost of the dog park sodding is covered 100% by a TDC grant; and

WHEREAS, the City recommends that the Council authorize the City to enter into a change order with XGD Systems, LLC, and expend and appropriate funds in the amount of \$84,444.00

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 change order and expend appropriated 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 JULY, 2019.

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

David Migut, City Attorney

CHANGE ORDER # 1 –

TO: City of Marathon
PROJECT: Soccer Fields Refurbishment
ENGINEER: City of Marathon
CONTRACTOR: XGC Systems, LLC.
DATE: June 13, 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 **XGC Systems, LLC.** for all costs, expenses, overhead, and profit, and any damages of every kind that **XGC Systems, LLC.** may incur in connection with the above referenced changes in the Construction Work under this Agreement. **XGC Systems, LLC.** acknowledges and agrees that (a) the Guaranteed Maximum Price of \$118,500.00 under the Agreement will be **changed** by this Change Order. **XGC Systems, LLC.** 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

XGC Systems, LLC..

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 1
Project Title **Community Park Soccer Field Reburshment**
Bid No. 2019-002
Owner: City of Marathon
Contractor: **XGC Systems, LLC.**
Agreement Date: March 7, 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>\$118,500.00</u>
(2)	Current Contract Price (Adjusted by Previous C.O.)	<u>\$118,500.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$84,444.00.</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$202,944.00</u>
(5)	Original Contract Time	<u>45 Days</u>
(6)	Proposed Change in Contract Time	<u>95 Days</u>
(6)	Current Contract Time (Adjusted by Previous C.O.)	<u>45 Days</u>
(7)	Total Proposed Change in Contract Time	<u>95 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>140 Days</u>
(9)	Original Contract Final Completion Date	<u>May 27,2019</u>
(10)	New Contract Final Completion Date	<u>August 30, 2019</u>

**COMMUNITY PARK SOCCER FIELD REBURBISHMENT
CHANGE ORDER HISTORY**

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		<u>\$118,500.00</u>	<u>\$84,444.00</u>	\$0	<u>\$84,444.00</u>	95 Days
Total		\$118,500.00	<u>\$84,444.00</u>	\$0	\$84,444.00	95 Days

Exhibit "B"

CHANGE ORDER JUSTIFICATION

The City wishes to extend to contract and re-sod the baseball fields at Community Park, and the enclosed dog park at Oceanfront Park. The contractor provided pricing for the request based on the conditions, and additional services requested, applying a pre-emergent to prevent germination of weed seeds. Option 1 is selected.

XGD SYSTEMS LLC

415 NW Flagler Ave., Unit 302, Stuart, FL 34994

Tel: 772-286-3419 Fax: 772-286-2855

www.xgd.systems

Community Park Soccer/Amphitheater Fields Refurbishment City of Marathon, Florida CHANGE ORDER PROPOSAL #1

TO: City of Marathon, Attn.: Carlos A. Solis, PE; Director of Public Works; via Email: solisc@ci.marathon.fl.us
FROM: XGD Systems, LLC
Attn.: Bruce Sheldon; via Email: bsheldon@xgd.systems
DATE: May 22, 2019

~ Costs associated with the addition of one additional application of Round-Up on approximately half of the site as requested by the City of Marathon ~

Scope of Work:

Add one additional application of Round-Up on approximately half of the site.

Total (Add): =\$ 2,407.30

- A Change Order will be issued upon approval of this change order proposal. The value of the Change Order will be \$2,407.30.
 - The value of the contract will increase by \$2,407.30.
 - The contract time will increase by two (2) working days.
 - Notification of acceptance or denial of this Change Order Proposal is requested within 5 days to maintain the project's schedule.
-

Bruce Sheldon, Operations Manager

May 22, 2019

City of Marathon, Florida

Date



XGD SYSTEMS LLC

415 NW Flagler Ave., Unit 302, Stuart, FL 34994

Tel: 772-286-3419 Fax: 772-286-2855

www.xgd.systems

Change Order Proposal

PROPOSAL FOR:

City of Marathon, FL

Attention: Carlos Solis

email: Solisc@ci.marathon.fl.us

FROM:

XGD Systems LLC d/b/a Eco Blue Systems

Attention: Bruce Sheldon

email: bsheldon@xgd.systems

RE:

Additional work – Community Park Sports Fields

DATE:

June 26, 2019 *revised July 2, 2019*

Scope of Work:

XGD Systems LLC, dba Eco Blue Systems will re-sod two baseball fields and the enclosed dog park at Oceanfront Park. The sites are summarized as follows:

1. North Baseball Field	34,900 sf
2. South Baseball Field	36,000 sf
3. Oceanfront Park Dog Field	17,563 sf
TOTAL	88,463 sf

We have held our unit pricing consistent with our original bid, but with the following differences:

- Our original pricing was based on utilizing our Spader unit to pulverize and rototill the fields in one operation. We discovered that the site is too rocky to use this strategy, so we are pricing this additional work using more traditional turf removal methods.
- Our original unit prices were based on the scope of work taking place on 1 large site. This additional work is for 3 separate areas.
- The sod used on the original scope was immature and tender making it very difficult to install. This resulted in abnormally high occurrences of tearing and patching. We have approached a different vendor who will provide more mature turf that shouldn't fall apart when handled. The result is a slight increase in price for the new sod.



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Additional Work - Pricing

Spray RoundUp - 2 Applications (88,463 sf @ \$0.05/sf)	\$7,500.00
Remove Existing Turf (88,463 sf @ \$0.02/sf)	\$1,769.26
Dispose Existing Turf (88,463 sf @ \$0.07/sf)	\$6,192.41
Roll & Apply 1 Application of Fert. (88,463 sf @ \$0.02/sf)	\$1,769.26
Rototill Existing subgrade (88,463 sf @ \$0.03/sf)	\$2,653.89
Finish Grading w/ Laser Grader (88,463 sf @ 0.10/sf)	\$8,846.30
Supply & Install Celebration Sod (88,463 sf @ 0.61/sf)	\$53,962.43
TOTAL ADDITIONAL WORK	\$79,616.70

Option 1 - Application of of Ronstar G @ 200 lbs per acre \$ 2,420.00

Total with option 1 **\$82,036.70**

Option 2 – Application of 15-0-15 fert with .67% Ronstar @ 300 lbs per acre \$ 2,200.00

Total with option 2 **\$81,816.70**





