

COUNCIL AGENDA STATEMENT



Meeting Date: October 8, 2019
To: Honorable Mayor & Members of the City Council
From: Dan Saus, Utilities Manager
Through: Charles Lindsey, City Manager

Agenda Item: **Resolution 2019-104**, Awarding Change Order #2 to the Work Authorization 2017-05B for the Engineering Design and Construction Management Services for the Service Area 5 Wastewater Treatment Facility Emergency Repairs and Upgrades To Weiler Engineering Corporation.; Increasing the Contract in the Amount of \$11,510.00; Authorizing The City Manager To Execute The Contract Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date. This work qualifies and will be submitted for reimbursement through the LP44041 FDEP Grant when the project is complete.

BACKGROUND & JUSTIFICATION:

The City of Marathon (the “City”) pursuant to the provisions contained in the Continuing Services Agreement dated February 7, 2013 between the City of Marathon and Weiler Engineering Corporation entered into an agreement for engineering services and as approved by Resolution 2018-22 and approved March 13, 2018 for the “Engineering Design and Construction Management Services for the Service Area 5 Wastewater Treatment Facility Emergency Repairs and Upgrades

The Proposal attached as Exhibit “A” details the Scope of Work and cost breakdown for the additional construction management services to be provided for finishing the project which has been extended several times due to unforeseen circumstances at the facility. City staff, consisting of the Utility Director and the Utility Staff, has reviewed the proposal of Weiler Engineering Corporation., and the proposal is reasonable for the work as shown on Exhibit “A” in the amount of \$11,510.00. Weiler Engineering Corporation, has completed other projects for the City in the past. The proposal and subsequent contract will provide additional CEI services for the inspections and closeout of the project during construction completion.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>X</u>	___
2. Other – 2010 Sewer Mandate	<u>X</u>	___
3. Not applicable	<u>X</u>	___

FISCAL NOTE:

The FY20 adopted Wastewater utility budget includes appropriations of \$1,625,000 for Wastewater Improvements, although this specific project was not budgeted.

RECOMMENDATION

Approval of Resolution

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA
RESOLUTION 2019-104**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AWARDED A CONTRACT AMENDMENT, CO#2, FOR THE DESIGN AND CONSTRUCTION MANAGEMENT OF EMERGENCY REPAIRS AND UPGRADES AT WASTEWATER TREATMENT PLANT #5. TO WEILER ENGINEERING CORPORATION; APPROVING CHANGE ORDER #2 IN THE NOT TO EXCEED A TOTAL AMOUNT OF \$11,510.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”) and Weiler Engineering Corporation. (the “Engineer”) have entered into a continuing services agreement for Professional Engineering Services in February of 2013; and

WHEREAS, work authorization No. 2017-05B,” (the “Project Agreement”) contains the scope of work to for the Engineering Design and Construction Management Services for the Service Area 5 Wastewater Treatment Facility Emergency Repairs and Upgrades (the “Project”). The Work Authorization also includes CEI services for construction inspections and closeout of the project. Dated March 13, 2108; and

WHEREAS, the City staff wish to enter into this agreement, which will enable the City to complete the emergency repairs at the Service Area 5 wastewater treatment facility; and

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. The Change Order #2 attached hereto 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 hereby approved. The City Manager is authorized to sign 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 8th DAY OF OCTOBER 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 LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

David Migut, City Attorney

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 2

TO: City of Marathon

PROJECT: Work Authorization 2017-05B (Resolution 2018-22, Approved 3/13/18)

CONTRACTOR: Weiler Engineering Corporation

DATE: 9/23/19

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 \$232,225.00 under the Agreement will be [~~unchanged~~] [**changed**] by this Change Order, and (b) the schedule for performance of Work will be [~~unchanged~~] [**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.

_____ (Seal)
Surety's Name and Corporate Seal

By: _____
Signature and Title
City of Marathon

Attest: _____
Signature and Title
Contractor

By: _____
Name: Daniel Saus
Title: Utilities Director

By: Edward R. Castle, PE
Name: Edward R. Castle
Title: Vice 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	\$197,600.00
(2)	Current Contract Price (Adjusted by Previous Change)	\$232,225.00
(3)	Total Proposed Change in Contract Price	\$11,510.00
(4)	New Contract Price (Item 2 + Item 3)	\$243,735.00
(5)	Original Contract Time	365 Days
(6)	Proposed Change in Contract Time	175 Days
(6.1)	Current Contract Time (Adjusted by Previous Change)	455 Days
(7)	Total Proposed Change in Contract Time	175 Days
(8)	New Contract Time (Item 6.1 ± Item 7)	630 Days
(9)	Original Contract Substantial Completion Date	February 9, 2019
(10)	New Contract Substantial Completion Date	November 1, 2019

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.	Total Contract Price	\$197,600.00	\$34,625.00	\$	\$34,625.00	90 Days
2.	Project Completion and Closeout	\$232,225.00	\$11,510.00	\$	\$11,510.00	175 Days
Total					\$46,135.00	265 Days