



COUNCIL AGENDA STATEMENT

Date: December 10, 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 2019-122**, Approving Change Order No. 4 To The Contract Between The City And Discount Rock & Sand, Inc. In The Original Amount Of \$1,343,241.00 For The Reconstruction of Sombrero Beach From Hurricane Irma Damages; Increasing The Contract In An Amount Not To Exceed \$34,360.60 And The Contract Time By 60 Days For Various Items Requested By The City And The Anticipation Of The Issuance Of The USACOE Permit As Part Of The Beach Reconstruction Project; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

As part of the reconstruction of Sombrero Beach due to damages suffered from Hurricane Irma, the City has requested the substitution of a few items and addition of others that were not specifically addressed in the plans and specifications. This included the reconstruction of the permanent erosion control measures along sisters Creek, and replacement of the specified wheel stops and shower drains. The City is also requesting that six additional Coconut trees be planted in the beach area to provide some shade in the beach portion of the park. The 60 day extension should provide sufficient time for the issuance of the USACOE permit, and completion of the renourishment portion of the project.

CONSISTENCY CHECKLIST:

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

FISCAL NOTE:

The adopted FY20 Capital Infrastructure Budget includes appropriations of \$760,501 for the Hurricane Irma Sombrero Beach Recovery project, not including the appropriations of \$207,141 for the Hurricane Irma Beach Renourishment projects at Sombrero Beach and Coco Plum.

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2019-122**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 4 TO THE CONTRACT BETWEEN THE CITY AND DISCOUNT ROCK & SAND, INC. IN THE ORIGINAL AMOUNT OF \$1,343,241.00 FOR THE RECONSTRUCTION OF SOMBRERO BEACH FROM HURRICANE IRMA DAMAGES; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$34,360.60 AND THE CONTRACT TIME BY 60 DAYS FOR VARIOUS ITEMS REQUESTED BY THE CITY AND THE ANTICIPATION OF THE ISSUANCE OF THE USACOE PERMIT AS PART OF THE BEACH RECONSTRUCTION PROJECT; 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 of Marathon (the “City”) awarded the contract for the reconstruction of Sombrero Beach Project” (the “Project”) by Resolution 2019-15 on February 12, 2019; and

WHEREAS, as part of the reconstruction of Sombrero Beach due to damages suffered from Hurricane Irma, the City has requested the substitution of a few items and addition of others that were not specifically addressed in the plans and specifications; and

WHEREAS, reconstruction of the permanent erosion control measures along sisters Creek, and replacement of the specified wheel stops and shower drains. The City is also requesting that six additional Coconut trees be planted in the beach area to provide some shade in the beach portion of the park. The 60 day extension should provide sufficient time for the issuance of the USACOE permit, and completion of the renourishment portion of the project; and

WHEREAS, change order #4 is found to be reasonable for the additional work requested by City staff to be performed by Discount Rock and Sand, as the General Contractor, in the amount of \$34,360.60.

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 #4 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 10th DAY OF DECEMBER, 2019.

THE CITY OF MARATHON, FLORIDA

Steven Cook, 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

CHANGE ORDER # 4 –

TO: City of Marathon
PROJECT: Sombrero Beach Irma Reconstruction Project
ENGINEER: Weiler Engineering
CONTRACTOR: Discount Rock & Sand, Inc.
DATE: December 2, 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 **Discount Rock & Sand, Inc.** for all costs, expenses, overhead, and profit, and any damages of every kind that **Discount Rock & Sand, Inc.** may incur in connection with the above referenced changes in the Construction Work under this Agreement. **Discount Rock & Sand, Inc.** acknowledges and agrees that (a) the Guaranteed Maximum Price of \$1,531,426.62 under the Agreement will **be changed** by this Change Order. **Discount Rock & Sand, Inc.** 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

Discount Rock & Sand, Inc.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 4
Project Title **Sombrero Beach Irma Reconstruction Project**
Bid No. 2018-009
Owner: City of Marathon
Contractor: **Discount Rock & Sand, Inc.**
Agreement Date: February 26, 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>\$1,343,241.00</u>
(2)	Current Contract Price (Adjusted by Previous C.O.)	<u>\$1,531,426.62</u>
(3)	Total Proposed Change in Contract Price	<u>\$34,360.60</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$1,565,787.22</u>
(5)	Original Contract Time	<u>180 Days</u>
(6)	Proposed Change in Contract Time	<u>60 Days</u>
(6)	Current Contract Time (Adjusted by Previous C.O.)	<u>291 Days</u>
(7)	Total Proposed Change in Contract Time	<u>171 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>351 Days</u>
(9)	Original Contract Final Completion Date	<u>September 18, 2019</u>
(10)	New Contract Final Completion Date	<u>March 2, 2020</u>

**SOMBRERO BEACH IRMA RECONSTRUCTION PROJECT
CHANGE ORDER HISTORY**

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.		<u>\$1,343,241.00</u>	<u>\$206,000.00</u>	\$48,600.00	<u>\$157,400.00</u>	0 Days
2		<u>\$1,500,641.00</u>	\$43,185.58	\$12,399.96	\$30,785.62	21 Days
3		<u>\$1,531,426.62</u>	\$0	\$0	\$0	90
4		<u>\$1,531,426.62</u>	\$39,360.60	\$5,000.00	\$34,360.60	60
Total		\$1,531,426.62	\$288,546.18	\$65,999.96	\$222,546.22	171 Days

Exhibit “B”

CHANGE ORDER JUSTIFICATION

The City requested the contractor to substitute several items as determined to be superior products which would reduce the maintenance and replacement cost in the future. These consist of replacing the mortar wheel stops with high density wheel stops, and replacing the small shower/footwah drains with longer trench drains to minimize sand build-up in the shower areas.

The City also requested additional sod to abut all sidewalks, including around the volleyball area, to prevent constant sand build-up on the sidewalks. We also requested the planting of six additional coconut trees in the beach area to provide periodic areas of shade.

The recent king tides have exposed damage to the previously constructed permanent erosion control installation along Sisters Creek, that were previously covered by sand. These areas are to be repaired to the Pre-Irma condition to insure the protection of the west end of the newly constructed wall and end of Sombrero Beach Road.

DISCOUNT ROCK & SAND, INC.

P.O. Box 504484 • Marathon, FL 33050
(305) 743-5680 Office • (305) 289-4200 Fax

Sombrero Beach Irma Recovery Project
P2019-0301

Date: 09/27/2019

Car Bumps for Parking Lot

Proposed (180) 6' Commercial Composite Parking Block **\$8,103.60**

Original Contract (180) 6' Commercial Concrete Parking Car Stoppers **<\$4,500.00>**

Total CO Amount **\$3,603.00**

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Sombrero Beach Irma Recovery Project
P2019-0301

Date: 11/15/2019

ADD 54 LF OF TRENCH DRAIN

\$5,400.00

CREDIT FOR 3 FOOT WASH DRAINS & 2 SHOWER DRAINS

<\$500.00>

Total CO

\$4,900.00

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Sombrero Beach Irma Recovery Project
P2019-0301
Additional Landscaping

Date: 11/12/2019

Extra Sod 1,100 SY
6 - Coconut Palms

Unit Price \$6.87

Total \$7,557.00

Unit Price \$575.00

Total \$3,450.00

Total \$11,007.00



Estimate # 3468

Date 12/3/2019

"Serving The Florida Keys for More Than 17 Years"

Phone 305-743-5680, Fax 305-289-4200
 Email: sales@discountrocksand.com

Florida Certified Contractor No.: CGC1523252
 Specialty Hauler License No.: CD/SL 025
 Landscaping Specialty Contractor No.: SP3782

Name / Address
CITY OF MARATHON 9805 OVERSEAS HWY MARATHON, FL 33050

Job Site Address	Prepared By:	SR
SOMBRERO BCH IRMA RECOVERY PROJECT 2018-009 2130 SOMBRERO BCH RD MARATHON, FL 33050 PROJECT: P2019-0301		

Qty	Description	Rate	Total
1	REPAIR CURRENT RUBBLE RIP-RAP STRUCTURE BRING BOULDERS TO REPAIR RIP RAP, INSTALL FLOATING TURBIDITY BARRIER, INSTALL FABRIC FILTER CLOTH AND INSTALL 6" BEDDING STONE MATERIAL- ALL WORK WILL BE PERFORMED AS PER SITE PLAN.	14,850.00	14,850.00

I FIND THE ABOVE SATISFACTORY AND AGREE TO PAY FOR SAME ON PRESENTATION OF STATEMENT AND FURTHER AGREE TO PAY REASONABLE CHARGES FOR COLLECTION INCLUDING ATTORNEYS FEES IN THE EVENT OF MY DEFAULT. YOU ARE AUTHORIZED TO DO THE WORK SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.	Subtotal	\$14,850.00
	Sales Tax (0.0%)	\$0.00
	Total	\$14,850.00

ACCEPTANCE SIGNATURE: _____ DATE: _____