



COUNCIL AGENDA STATEMENT

Date: August 11, 2020
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 2020-50**, Approving Change Order No. 3 To Contract Between The City And H&R Paving, Inc. In The Current Amount Of \$1,779,474.29 For Construction Of The Aviation Blvd. Multi-Use Trail Project; Increasing The Contract In An Amount Not To Exceed \$67,710.00 For Quantities Balancing At The End Of The 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:

On December 10, 2019, the City entered into an agreement with H&R Paving, Inc for the construction of the Aviation Blvd. Multi-Use Project. The project is nearing completion, and this change order makes adjustments to the final quantities, primarily asphalt, as determined by field inspection and verification. This project is mostly funded by an FDOT grant, and the additional cost is still within the limits of the LAP agreement between the City and FDOT for construction. The change order will be submitted to FDOT for processing.

CONSISTENCY CHECKLIST:

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

FISCAL NOTE:

The adopted FY20 Street Maintenance Fund budget includes appropriations of \$2,180,000 for this project.

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2020-50**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 3 TO CONTRACT BETWEEN THE CITY AND H&R PAVING, INC. IN THE CURRENT AMOUNT OF \$1,779,474.29 FOR CONSTRUCTION OF THE AVIATION BLVD. MULTI-USE TRAIL PROJECT; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$67,710.00 FOR QUANTITIES BALANCING AT THE END OF THE 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, on December 10, 2019, the City entered into an agreement with H&R Paving, Inc (“Contractor”) for the construction of the Aviation Blvd. Multi-Use Project by Resolution 2019-123; and

WHEREAS, H & R Paving, Inc. has submitted this change order for final quantities, primarily asphalt, as determined by field inspection and verification to the City for the Aviation Boulevard Multi Use Trail Project by the City’s CEI consultant; and

WHEREAS, this project is mostly funded by an FDOT grant, and the additional cost is still within the limits of the LAP agreement between the City and FDOT for construction. The change order will be submitted to FDOT for processing.

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 are incorporated herein.

Section 2. The City Council hereby approves Change Order 3 between the City of Marathon, Florida and H & R Paving, Inc., attached as Exhibit A in an amount not to exceed \$67,710.00. The City Manager is authorized to execute 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 11TH DAY OF AUGUST, 2020.

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:**

City Attorney

CHANGE ORDER #3-

TO: City of Marathon
PROJECT: Aviation Blvd Multi Use Trail Project
CEI ENGINEER: RS&H
CONTRACTOR: H&R Paving, Inc.
DATE: August 5, 2020

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 **H&R Paving, Inc.** for all costs, expenses, overhead, and profit, and any damages of every kind that **H&R Paving, Inc.** may incur in connection with the above referenced changes in the Construction Work under this Agreement. **H&R Paving, Inc.** acknowledges and agrees that (a) the Guaranteed Maximum Price of \$1,779,474.29 under the Agreement will be **changed** by this Change Order. **H&R Paving, 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

H&R Paving, Inc.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 2

Project Title: Aviation Blvd. Multi-Use Trail Project

Bid No. 2018-009

Owner: City of Marathon

Contractor: **H&R Paving, Inc.**

Agreement Date: August 9, 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>\$1,755,787.78</u>
(2)	Current Contract Price (Adjusted by Previous C.O.)	<u>\$1,779,474.29</u>
(3)	Total Proposed Change in Contract Price	<u>\$67,710.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$1,847,184.29</u>
(5)	Original Contract Time	<u>260 Days</u>
(6)	Proposed Change in Contract Time	<u>45 Days</u>
(6)	Current Contract Time (Adjusted by Previous C.O.)	<u>295 Days</u>
(7)	Total Proposed Change in Contract Time	<u>80 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>340 Days</u>
(9)	Original Contract Final Completion Date	<u>May 26, 2020</u>
(10)	New Contract Final Completion Date	<u>August 14, 2020</u>

**AVIATION BLVD. MULTI USE TRAIL PROJECT CHANGE
ORDER HISTORY**

Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change in Contract Time
1.		<u>\$1,755,787.78</u>	<u>\$17,086.51</u>	<u><\$95,399.00></u>	<u><\$78,312.49></u>	0 Days
2		\$1,677,475.29	\$111,219.00	<\$9,220.00>	\$101,999.00	35 Days
3		\$1,779,474.29	\$67,810.00	<\$100.00>	\$67,710.00	45 Days
Total		\$1,779,474.29	\$196,115.51	<\$104,719.00>	\$91,396.51	80 Days

Exhibit "B"

CHANGE ORDER JUSTIFICATION

As the project nears completion, final quantities of asphalt for the project. The changed order reflects the final quantity adjustment for the project.

Plan

Pay Item	Item Description	Unit	Quantity	Unit Price	Bid Item Total
57	MULCH	CY	-1.00	\$ 100.00	\$ (100.00)
	Milling	SY	1107	\$ 6.00	\$ 6,642.00
14	OVERLAY AVIATION BLVD AND 107TH STREET (AVG 3/4" OF SP-9.5)	TN	382.30	\$ 160.00	\$ 61,168.00
				TOTAL	\$ 67,710.00