

COUNCIL AGENDA STATEMENT



Meeting Date: October 13, 2020  
To: Honorable Mayor & Members of the City Council  
From: Dan Saus, Utilities Manager  
Through: Chuck Lindsey, City Manager

Agenda Item: **Resolution 2020-72**, Ratifying and Approving Change Order’s #9 For “Marathon Area 3 & 4 WWTP Upgrades” To Reynolds Construction In The Amount Not To Exceed \$373,367.26; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

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BACKGROUND & JUSTIFICATION:

The City of Marathon put out a bid for “Marathon Area 3 & 4 WWTP Upgrades” back in 2016 and Reynolds construction won the bid and was awarded the contract. The membrane upgrade as well as the tank rehabilitation project for the Area 5 WWTP was added to this contract in change order #4.

This Final Close Out Change Order #9 is for required additional work, in the amount of \$373,367.26.00 to provide many emergency plant repairs and upgrades. The majority of the changes in scope were major emergency repairs to Areas 4, 6, & 7 treatment facilities to upgrade failing automatic valving and piping (latent Hurricane Irma damages) which was causing us to be unable to properly treat our wastewater. Timely repairs prevented many possible FDEP violations from occurring. Other items included repairs/upgrades to plants 3, 5 & 7 as well as emergency repairs to the air piping at Areas 4 & 3 and emergency overflow piping providing a path for influent flows when power outages occur and eliminating possible spills in the future.

The complete change order summary is attached as Exhibit A.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_____
2. Other – 2010 Sewer Mandate	_____	_____
3. Not applicable	_____	_____

FISCAL NOTE:

The adopted FY20 Wastewater Utility budget included appropriations of \$729,350 for repairs and maintenance of equipment, and \$150,425 for building repairs.

RECOMMENDATION:

Approval of the Resolution

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-72**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, RATIFYING AND APPROVING A CONTRACT CHANGE ORDER #9 WITH REYNOLDS CONSTRUCTION FOR THE AREA 3 & 4 WWTP UPGRADE PROJECT IN AN AMOUNT NOT TO EXCEED \$373,367.26; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT CHANGE ORDER #6 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 “Area 3 & 4 WWTP Upgrade Project” (the “Project”) and issued a notice to proceed on January 3, 2017; and

**WHEREAS**, close out change order #9 is found to be reasonable for the additional work requested by City staff and recommended by the city’s engineer to be performed by Reynolds Construction, as the General Contractor, in the amount of \$373,367.26; and

**WHEREAS**, the City wishes to execute this change order #9 for additional emergency repairs and latent hurricane damages,

**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 #9 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 13<sup>th</sup> DAY OF OCTOBER 2020.**

**THE CITY OF MARATHON, FLORIDA**

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**Steve Cook, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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Steve Williams, City Attorney

**EXHIBIT "C"**  
**CHANGE ORDER**

**CHANGE ORDER NO. 09**

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**TO: City of Marathon**

**PROJECT: Marathon Area 3&4 WWTP Upgrades**

**CONTRACTOR: Reynold's Construction**

**DATE: September 10, 2020**

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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 **\$6,999,697.96** 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.

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**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.

\_\_\_\_\_  
Surety's Name and Corporate Seal (Seal)

By: \_\_\_\_\_  
Signature and Title  
**City of Marathon**

Attest: \_\_\_\_\_  
Signature and Title  
**Contractor**

By: \_\_\_\_\_  
Name: Charles Lindsey  
Title: City Manager

By: \_\_\_\_\_  
Name: Josh Vondersaar  
Title: Operations Manager, VP

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	<u>\$2,924,150.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$6,999,697.96</u>
(3)	Total Proposed Change in Contract Price	<u>\$373,367.26</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$7,373,065.22</u>
(5)	Original Contract Time	<u>300 Days</u>
(6)	Proposed Change in Contract Time	<u>200 Days</u>
(7)	Current Contract Time (Adjusted by Previous CO)	<u>1153Days</u>
(8)	Total Change in Contract Time	<u>1053Days</u>
(9)	New Contract Time (Item 6 ± Item 7)	<u>1353Days</u>
(10)	Original Contract Substantial Completion Date	<u>Sept. 30, 2017</u>
(I 1)	New Contract Substantial Completion Date	<u>August 18th, 2020</u>

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
I.	CO #1	\$2,924,150.00	\$115,464.34	\$0	\$115,464.34	0
II	CO #2	\$3,039,614.34	\$34,571.55	(\$5,000)	\$29,571.55	100
III	CO #3	\$3,069,285.89	\$30,000.00	\$0	\$30,000.00	90
IV	CO #4	\$3,099,185.89	\$2,913,225.57	\$0	\$2,913,225.57	215
V	CO #5	\$6,012,411.46	\$0	\$0	\$0	140
VI	CO #6	\$6,012,411.46	\$473,907.52	(\$453.71)	\$473,453.81	90
VII	CO#7	\$6,485,865.27	\$368,876.97	\$0	\$368,876.97	45
VIII	CO#8	\$6,854,742.24	\$144,955.72	\$0	\$144,955.72	173
VIII	CO#9	\$6,999,697.96	\$373,367.26	\$0	\$373,367.26	200
Total					<b>\$4,448,915.22</b>	<b>1053</b>

The Change Order is a result of: Additional labor, parts, and equipment required for various Owner-desired emergency repairs and improvements to the Marathon Area's 3,4,5,6, and 7 Wastewater Treatment Plants as well as the Area 5 Vacuum Station (FEMA work). These repairs and improvements are to address latent hurricane damages, equipment installation, rust/paint repairs, and other miscellaneous items. A detailed breakdown of the emergency repairs and improvements is attached for reference.

The cost breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
PCO 044- Paint Remote Station (FEMA)	\$13,884.99
PCO 051- Remote Station-Odor Pipe (FEMA)	\$4,137.18
PCO 056- Paint Valve Vault (FEMA)	\$11,060.56

PCO-036 Area 3 WWTP-DI Pipe & Valve	\$58,539.99
PCO 039- Area 3 WWTP Decanter Log	\$6,889.86
PCO 036B- Area 5 WWTP-MBR Units	\$15,592.42
PCO 048- Area 7 WWTP-Overflow & Pipe	\$39,451.49
PCO 037- Compressor Pump(s), Pipe Mods, & Other	\$4,724.15
PCO 058- Area 5 WWTP-Fence Slats	\$4,109.16
PCO 050- Remote Station-Fence Slats	\$5,142.45
PCO 042A- Air Pipe Stands & Electrical Stands-Area 7 WWTP	\$3,013.42
PCO 042B- Air Pipe Stands & Electrical Stands-Area 3,4,6 WWTP	\$4,338.98
PCO 045- Area 3-SS & BF Preventor	\$764.35
PCO 046 - Area 7 WWTP-4" Pipe & Valve	\$3,481.96
PCO 052- Area 7 WWTP Dry Wall Repairs	\$1,198.24
PCO 049- EQ Butterfly Valve Repair at Area 3 WWTP	\$4,404.85
PCO 040- MBR Unit #3 at Area 5 WWTP	\$8,719.00
PCO 038- Valve & Pipe Repair at Area 4 WWTP	\$66,571.96
PCO 057- Feed Forward Pump at Area 5 WWTP	\$760.90
PCO 053- Pump Replacement at Area 5 WWTP	\$5,095.08
PCO 039- Pump & Valves at Area 6 & 7 WWTPs	\$106,728.07
PCO 054- Area 4 Air Piping Replacement	\$4,758.20
<b>TOTAL</b>	<b>\$373,367.26</b>



<b>PCO 044- Paint Remote Station (FEMA)</b>
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<b>\$13,884.99</b>
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