

COUNCIL AGENDA STATEMENT



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

Agenda Item: **Resolution 2020-73**, Awarding Change Order #1 for the Engineering Design and Permitting for the Service Area 3 Wastewater Treatment Facility Expansion Upgrade To Weiler Engineering Corporation.; Approving a change in contract amount from \$72,525.00 to \$215,395.00; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date. This work qualifies and may be submitted for reimbursement through ACOE if available.

BACKGROUND & JUSTIFICATION:

The City of Marathon (the “City”) pursuant to the provisions contained in the Continuing Services Agreement dated February 14, 2017 between the City of Marathon and Weiler Engineering Corporation wished to obtain engineering services as described in Exhibit “A” Project specific Agreement for the “Service Area 3 Expansion Design and Permitting” for (the “Project”).

The attached letter of explanation details the large changes in scope that are required due to the extremely small footprint of the plant and additional efforts required to remove existing infrastructure and design new to accommodate all the new processes.

The Proposal attached as Exhibit “A” details the Change Order for the engineering design services and permitting for the “Service Area 3 Wastewater Treatment Facility Expansion Design and Permitting”. 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 \$215,395.00. Weiler Engineering Corporation, has completed other projects for the City in the past. The proposal and subsequent contract will provide an engineering design and permitting services for the “Service Area 3 Expansion Design and Permitting”.

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 adopted FY21 Wastewater Utility Budget incudes appropriations of \$1,050,000 for the Service Area 3 to 4 project.

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2020-73**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AWARDING A CONTRACT FOR CHANGE ORDER #1 TO THE “ENGINEERING DESIGN AND PERMITTING FOR THE SERVICE AREA 3 WASTEWATER TREATMENT FACILITY EXPANSION” TO WEILER ENGINEERING CORPORATION; APPROVING THE PROJECT AGREEMENT INCREASING THE AMOUNT FROM \$72,525.00 TO THE NOT TO EXCEED AMOUNT OF \$215,377.00, 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 2019; and

WHEREAS, the work specific agreement (the “Project Agreement”) contains the scope of work to provide professional engineering services required for “Service Area 3 Wastewater Treatment Facility Expansion Design and Permitting” the “Project”); and

WHEREAS, the City staff wish to enter into this Change Order #1, which will enable the City to complete the engineering services for the “Service Area 3 Wastewater Treatment Facility Expansion Design and Permitting”); 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 Project Agreement attached hereto as Exhibit “1”, 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 Project Agreement 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 13th DAY OF OCTOBER 2020.

THE CITY OF MARATHON, FLORIDA

Steve 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:**

Steve Williams, City Attorney

EXHIBIT "C"
CHANGE ORDER

CHANGE ORDER NO. 1

TO: City of Marathon

PROJECT: Work Authorization 2019-105-WW (Resolution 2019-105, Approved 10/8/2019)

CONTRACTOR: Weiler Engineering Corporation

DATE: September 1, 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 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 \$72,525.00 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.

Not Applicable (Seal)
Surety's Name and Corporate Seal

By: _____
Signature and Title
City of Marathon

Attest: _____
Signature and Title
Contractor

By: _____
Name: _____
Title: _____

By: Edward R. Castle
Name: Edward R. Castle
Title: Vice President, Weiler Engineering

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	\$72,525.00
(2)	Current Contract Price (Adjusted by Previous Change)	<u>\$72,525.00</u>
(3)	Total Proposed Change in Contract Price	<u>\$142,870.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$215,395.00</u>
(5)	Original Contract Time	<u>365 days</u>
(6)	Proposed Change in Contract Time	<u>365 Days</u>
(6.1)	Current Contract Time (Adjusted by Previous Change)	<u>365 Days</u>
(7)	Total Proposed Change in Contract Time	<u>365 Days</u>
(8)	New Contract Time (Item 6 ± Item 7)	<u>730 Days</u>
(9)	Original Contract Substantial Completion Date	<u>October 10, 2020</u>
(I0)	New Contract Substantial Completion Date	<u>October 10, 2021</u>

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	\$72,525.00	\$142,870.00	\$	\$142,870.00	365 Days
Total					\$142,870.00	365 Days