

COUNCIL AGENDA STATEMENT



Meeting Date: December 8, 2020  
To: Honorable Mayor & Members of the City Council  
From: Dan Saus, Utilities Manager  
Through: George Garrett, City Manager

Agenda Item: **Resolution 2020-93**, Approving Change Order’s #1 For “Marathon Area 3 & 4 Force Main Project” To Key Honey Contracting, LLC In The Amount Not To Exceed \$73,586.00; Authorizing The City Manager To Execute The Change Order Appropriate and Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

---

BACKGROUND & JUSTIFICATION:

The City of Marathon put out a bid for “Marathon Area 3 & 4 Force Main Project” and Key Honey Contracting, LLC won the bid and was awarded the contract.

Change Order #1 is for required additional work, in the amount of \$73,586.00 to provide a re-route of the force main due to the location of the electrical transmission poles. Engineers based the original design upon the survey information received. Unfortunately, the locations for the electrical transmission poles in the survey were off by the width of the support bases. This caused the line to not be able to fit behind the poles and stay in the right-of-way as originally intended.

A re-design was completed where we cross US1 near the Area 3 plant and now tie into the existing force main near Gulfside Village on the gulf side of US1. This new tie-in point means we do not have to re-cross US1. Staff believes this is the most cost effective option available.

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

RECOMMENDATION:

Approval of the Resolution

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-93**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A CONTRACT CHANGE ORDER #1 WITH KEY HONEY CONTRACTING, LLC FOR THE AREA 3 & 4 FORCE MAIN PROJECT IN AN AMOUNT NOT TO EXCEED \$73,586.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT CHANGE ORDER #1 APPROPRIATING AND EXPENDING 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 Force Main Project” (the “Project”) and issued a notice to proceed on October 1, 2020; and

**WHEREAS**, change order #1 is found to be reasonable for the additional work requested by City staff and recommended by the city’s engineer to be performed by Key Honey Contracting, as the General Contractor, in the amount of \$73,586.00; and

**WHEREAS**, the City wishes to execute this change order #1 for re-routing due to unforeseen conflicts with the designed path of the force main.

**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 #1 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 8<sup>th</sup> DAY OF DECEMBER 2020.**

**THE CITY OF MARATHON, FLORIDA**

---

**Luis Gonzalez, 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 "A"**  
**CHANGE ORDER**

**CHANGE ORDER NO. 1**

---

**TO: City of Marathon**

**PROJECT: Marathon Area 3 to 4 Force Main Project**

**CONTRACTOR: Key Honey**

**DATE:12/8/2020**

---

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 \$419,415.00 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.

---

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: - - - - -

Title: \_\_\_\_\_

By: \_\_\_\_\_

Name: - - - - -

Title: \_\_\_\_\_

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>\$ 419,415.00</u>                  |
| (2)  | Current Contract Price (Adjusted by Previous Change Orders) | <u>\$ 419,415.00</u>                  |
| (3)  | Total Proposed Change in Contract Price                     | <u>\$ 73,586.00</u>                   |
| (4)  | New Contract Price (Item 2 + Item 3)                        | <u>\$ 493,001.00</u>                  |
| (5)  | Original Contract Time (Days)                               | <u>90 Days</u>                        |
| (6)  | Current Contract Time (Adjusted by Previous Change Orders)  | <u>90 Days</u>                        |
| (7)  | Total Proposed Change in Contract Time                      | <u>92 Days</u>                        |
| (8)  | New Contract Time (Item 6 + Item 7)                         | <u>182 Days</u>                       |
| (9)  | Original Contract Substantial Completion Date               | <u>December 30<sup>th</sup>, 2020</u> |
| (10) | New Contract Substantial Completion Date                    | <u>April 1<sup>st</sup>, 2021</u>     |

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
I.	Total Contract Price	\$419,415.00	\$73,586.00	\$0.00	\$493,001.00	92
Total					\$493,001.00	92

The Change Order is a result of: Rerouting the proposed FM line to the opposite side of US 1 due to underground conflicts with the AT&T & comcast data lines. These lines were not disclosed during the City's coordination with the utility companies but were discovered during setup for FM installation.

The cost breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
Addition 690 LF of HDPE piping	\$ 55,142.00
Addition of 3 plug valves, per revision	\$ 9,000.00
General Conditions, Bonds, Insurance Adjustments	\$9,444.00
	\$
	\$
	\$
	\$
	\$
<b>TOTAL</b>	<b>\$73,586.00</b>



**21460 Overseas Highway, Unit 4,**

**Cudjoe Key, FL 33042**

*Plumbing CFC1429186 \* General Contractor CGC1515617 \* Underground Utility & Excavation  
CUC1223872*

Local, Licensed & Insured

---

October 26, 2020

Dan Saus  
Utilities Director  
City of Marathon  
9805 Overseas Highway  
Marathon, FL 33050

Reference: Area 3 & 4 Force Main Interconnect  
Design Revision – RFP No. 01  
\$73,856.00

Dan,

We have completed review of the revised drawings for the referenced project. Attached is a detail of the adjusted quantities and GC items for your review and consideration.

Sincerely,  
Key Honey Contracting, LLC

A handwritten signature in blue ink, appearing to read "Stephanie Bruno". The signature is stylized and somewhat abstract.

Stephanie Bruno, COO



City of Marathon Area 3 & 4 Forecmain Interconnect  
 Key Honey Contracting  
 RFP No. 01

		Original QTY	U/M	Unit Price	Original Bid	Revised QTY	U/M	Unit Price	Revised Total	RFP No. 01
1	Area 3 to 4 Force Main: Provide and install all labor, materials and equipment necessary to install 4" HDPE pipe via directional drill method of installation from the Marathon Area 3 Wastewater Treatment Facility, along the US 1 Corridor from the Marathon Area 3 WWTP to 53rd Street Ocean, down 53rd Street Ocean to tie into the existing force main on Sombrero Boulevard at intersection with 53rd Street Ocean.	4310	LF	\$ 79.00	\$ 340,490.00	5008	FL	\$ 79.00	\$ 395,632.00	\$ 55,142.00
2	Area 3 to 4 Force Main: Provide and install all labor, materials and equipment necessary to install 4" plug valves as shown on plans.	3	EA	\$ 3,000.00	\$ 9,000.00	6	EA	\$ 3,000.00	\$ 18,000.00	\$ 9,000.00
3	Area 3 to 4 Force Main: Provide and install all labor, materials and equipment necessary to install hot tap of existing 4" Force main on Sombrero Boulevard, including the tee and gate valve, as shown on the plans.	1	LS	\$ 14,025.00	\$ 14,025.00	1	LS	\$ 14,025.00	\$ 14,025.00	\$ -
4	Maintenance of Traffic	1	LS	\$ 39,000.00	\$ 39,000.00	1	LS	\$ 45,844.00	\$ 45,844.00	\$ 6,844.00
5	Bonds and Insurance	1	LS	\$ 7,500.00	\$ 7,500.00	1	LS	\$ 8,809.00	\$ 8,809.00	\$ 1,309.00
6	Mobilization (not to exceed 2.5% of total cost)	1	LS	\$ 9,400.00	\$ 9,400.00	1	LS	\$ 10,691.00	\$ 10,691.00	\$ 1,291.00
					\$ 419,415.00				\$ 493,001.00	\$ 73,586.00



# Quote

Quote No: 2019238

Date: 11/5/2020  
Prepared By: ALH

**Prepared For**

City of Marathon  
9805 Overseas Highway  
Marathon, FL 33050

**Ship To**

City of Marathon  
9805 Overseas Highway  
Marathon, FL 33050

**Project:** Area 3 & 4

**Terms:** Net 30

**Project Location:** Area #4

**Valid Until:** 9/5/2020

Description	Qty	Price	Amount
Passive Peacemaker 8X5 Dry Air Scrubber with 185 cubic ft of Converting/Polishing Media.	1	39,371.00	39,371.00
Area #3 R-10 Scrubber Media Refill 366 Cubic ft of Converting Media, 104 Cubic ft of OX Media, and 80 Cubi1	1	56,090.00	56,090.00
Freight DELIVERY CONTACT: PHONE: EMAIL: INSTRUCTIONS:	1	15,544.00	15,544.00
		0.00	0.00

**TERMS AND CONDITIONS**

- All orders are subject to manufacturer's acceptance.
- Full freight allowed to jobsite if access is available via common carrier.
- Shipment will be made via most economical way within 30 days of receipt of order.
- Manufacturer shall not be liable for failure or delay in delivery due to any cause beyond its control.
- Installation of equipment herein shall be under the control and at the expense of Purchaser.
- TAXES may or may not be included in this quotation, IF APPLICABLE they will be added to the invoice.
- Exchange per agreement signed.
- Amendment to this quotation can only be done in writing by an officer of Syneco Systems, Inc.
- Payment is due as per terms stated.
- A 2% monthly late fee will be added for all past due balances.

<b>Subtotal</b>	\$111,005.00
<b>Sales Tax (0.0%)</b>	\$0.00
<b>Total USD</b>	\$111,005.00

By signing below you are confirming acceptance of this quote and the terms and conditions as stated.

Signature \_\_\_\_\_



Scan for additional product information