



COUNCIL AGENDA STATEMENT

Date: May 12, 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 2020-28**, Approving Change Order No. 1 To Contract Between The City And Shoreline Foundations, Inc. In The Original Amount Of \$661,845.75 For The Repairs of City Marina From Hurricane Irma Damages; Increasing The Contract In An Amount Not To Exceed \$59,737.24 For Addition of Concrete Stairs, And Various Other Items; Authorizing The City Manager To Execute The Change Order And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

On March 12, 2020, the City issued a Notice of Award to Shoreline Foundation for the repairs to the City’s marina caused by damages from Hurricane Irma. The proposed change order addresses several components that the City wishes to add to the project to replace components that will imminently fail due to their condition, as well as incorrect quantities in the bid documents. These include the following:

1. Replace all (438) existing EZ-Dock connector coupling that are in extreme poor condition from the impact of the storm.
 2. Additional tie off rail that were not shown on the plans or bid form.
 3. Replace two existing wood stairs in poor condition with permanent concrete stairs.
 4. Correct bid quantities for concrete sidewalk.
 5. Remove several items from plan there were over quantified or determined to be not required.
- The cost for the proposed additions were reviewed by the design team and the construction manager, and deemed to be reasonable for the proposed work. A detail summary of the cost is attached.

CONSISTENCY CHECKLIST:

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

FISCAL NOTE:

The FY20 adopted budget for the Marina includes appropriations of \$356,531 for this project. Finance will work with FEMA and the State of Florida DEM to have the cost overrun approved.

RECOMMENDATION:

Approval of Resolution

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA
RESOLUTION 2020-28**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO CONTRACT BETWEEN THE CITY AND SHORELINE FOUNDATIONS, INC. IN THE ORIGINAL AMOUNT OF \$661,845.75 FOR THE REPAIRS OF CITY MARINA FROM HURRICANE IRMA DAMAGES; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$59,737.24 FOR ADDITION OF CONCRETE STAIRS, AND VARIOUS OTHER ITEMS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER AND APPROPRIATE FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”) entered into contract with Florida Keys Irrigation Shoreline Foundations, Inc for the repairs of the City Marina for Hurricane Irma damages (the “Project”) in March of 2020; and

WHEREAS, the proposed change order, attached as exhibit A, addresses several components that the City wishes to add to the project to replace components that will imminently fail due to their condition, as well as incorrect quantities in the bid documents; and

WHEREAS, the City recommends that the Council authorize the City to enter into a change order with Shoreline Foundation, and expend funds in the amount of \$59,737.24

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 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 12TH DAY OF MAY, 2020.

THE CITY OF MARATHON, FLORIDA

Mayor Steven Cook

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

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

City Attorney

CHANGE ORDER # 1 -

TO: City of Marathon

PROJECT: Marathon Marina Hurricane Irma Repair Project

CEI ENGINEER: City of Marathon

CONTRACTOR: Shoreline Foundation, Inc.

DATE: April 24, 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 **Shoreline Foundation, Inc.** for all costs, expenses, overhead, and profit, and any damages of every kind that **Shoreline Foundation, Inc.** may incur in connection with the above referenced changes in the Construction Work under this Agreement. **Shoreline Foundation, Inc.** acknowledges and agrees that (a) the Guaranteed Maximum Price of \$661,845.75 under the Agreement will be **changed** by this Change Order. **Shoreline Foundation, 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

Shoreline Foundation, Inc.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Exhibit "A"

CHANGE ORDER SUMMARY

Change Order No. 1

Project Title: Marathon Marina Hurricane Irma Repair Project

Bid No. 2010-007

Owner: City of Marathon

Contractor: **Shoreline Foundation, Inc.**

Agreement Date: March 24, 2020

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>\$661,845.75</u>
(2)	Current Contract Price (Adjusted by Previous C.O.)	<u>\$661,845.75</u>
(3)	Total Proposed Change in Contract Price	<u>\$59,737.24</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$721,582.99</u>
(5)	Original Contract Time	<u>150 Days</u>
(6)	Proposed Change in Contract Time	<u>0 Days</u>
(6)	Current Contract Time (Adjusted by Previous C.O.)	<u>150 Days</u>
(7)	Total Proposed Change in Contract Time	<u>0 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>150 Days</u>
(9)	Original Contract Final Completion Date	<u>August 29, 2020</u>
(10)	New Contract Final Completion Date	<u>August 29, 2020</u>

Marathon Marina Hurricane Irma Damage Repair Project

ORDER HISTORY

Item No.	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change in Contract Time
I.	<u>\$661,845.75</u>	<u>\$112,015.99</u>	<u><\$52,278.75></u>	<u>\$59,737.24</u>	0 Days
Total	<u>\$661,845.75</u>	<u>\$112,015.99</u>	<u><\$52,278.75></u>	<u>\$59,737.24</u>	0 Days

Exhibit "B"

CHANGE ORDER JUSTIFICATION

The proposed change order addresses several components that the City wishes to add to the project to replace components that will imminently fail due to their condition, as well as incorrect quantities in the bid documents. These include the following:

1. Replace all (438) existing EZ-Dock connector coupling that are in extreme poor condition from the impact of the storm.
2. Additional tie off rail that were not shown on the plans or bid form.
3. Replace two existing wood stairs in poor condition with permanent concrete stairs.
4. Correct bid quantities for concrete sidewalk.
5. Remove several items from plan there were over quantified or determined to be not required.

The attached information details the requested change order.



2781 S.W. 56th Avenue • Pembroke Park, Florida 33023
Phone: (954) 985-0460 • Fax: (954) 985-0462 • www.shorelinefoundation.com

April 17, 2020

Carlos A. Solis, P.E.
Director of Public Works & Engineering
9805 Overseas Highway
Marathon, FL 33050

Project: **Marathon Marina
Hurricane Irma Repairs**

Subject: **Request for Change Order #02 (R1)
Dock Adjustments**

Mr. Solis:

Shoreline Foundation, Inc. (SFI) is providing this revised Request for Change Order (RCO) per the attached two (2) emails dated April 13, 2020 received from Sean Cannons and yourself regarding the EZ Dock materials and installations, with adjustments made based on the conference call on April 17, 2020.

Based on the received emails, SFI has adjusted EZ Dock material order to the following:

- Dock Edging: 450 LF
- Pile Brackets: Eliminate all new pile brackets. Note: SFI shall install existing onsite pile brackets
- Cleats: Reduce the cleat quantity from 30 to 25
- Corner Gussets: Eliminate the new dock corner gussets. Note: SFI to install existing onsite corner gussets
- Dock Sections: Eliminate the three (3) new EZ Dock D Sections
- Cleat Bars: Add 556' of cleat bars
- Connectors: Order enough materials to replace all of the existing connectors

Additionally, SFI has reduced the quantity of seawall repairs listed in the Bid Line Items 3.13 & 4.09 from twelve (12) locations to eight (8) locations.

SFI has also increased the Sidewalk Extension Bid Line Item 3.10 from 115 SF to the actual 253 SF of new Sidewalk Extension.

As agreed in our phone conference call today, the City of Marathon will pay the material cost for the Cleat tie up bars and SFI will install them at no cost.

The cost to complete the additional work is **Forty Thousand Seven Hundred Thirty Seven Dollars and 22/100 Cents (\$40,737.22)**.

Note: no drawing or permits or additional permit fees are included in this cost. No other work is included in this cost.

Sincerely,

Kevin Land

Project Manager
Shoreline Foundation Inc.

Marathon Marina Hurricane Irma Repairs
 GE17-0086P
 Adjustments of Dock Sections and Pile Guides
 2(R1)

Work Sheet							
Description	Bid Qty	Actual Qty	Difference Qty	Units	Material Unit Cost	Labor Cost	Total Cost
Sidewalk Extension	115	253	138	SF	\$143.00	Included	\$19,734.00
Seawall Spalling and Chipped Spots	12	8	-4	EA	\$966.00	Included	-\$3,864.00
EZ-Dock Dock Edging (or Eq.)							
Material	850	450	-400	LF	\$13.55	-	-\$5,420.00
Installation	850	450	-400	LF	-	\$41.45	-\$16,580.00
EZ-Dock Pile Brackets (including connectors) (or Eq.)							
Material	15	0	-15	EA	\$1,112.80	-	-\$16,692.00
Installation	15	15	0	EA	-	\$2,547.20	\$0.00
EZ-Dock Tie up Cleats (or Eq.)							
Material	30	25	-5	EA	\$176.55	-	-\$882.75
Installation	30	25	-5	EA	-	\$93.45	-\$467.25
EZ-Dock Corner Gussets (or Eq.)							
Material	5	0	-5	EA	\$294.25	-	-\$1,471.25
Installation	5	5	0	EA	-	\$130.75	\$0.00
EZ-Dock D Section (including connectors) (80in x 120in) (or Eq.)							
Material	3	0	-3	EA	\$2,300.50	-	-\$6,901.50
Installation	3	3	0	EA	-	\$779.50	\$0.00
EZ Dock Connectors (Coupler Sets)							
Material	0	438	438	EA	\$64.20	-	\$28,119.60
Installation	0	438	438	EA	-	\$56.50	\$24,747.00
EZ Dock Aluminum Tie Up Bars (Cleat Bar)							
Material	0	556	556	LF	\$26.22	-	\$14,578.32
Installation	0	556	556	LF	-	N/C	N/C
						Subtotal	\$34,900.17
						O&P 15%	\$5,235.03
						Bond 1.5%	\$602.03
						Total	\$40,737.22

Jessica Carrizo

From: Carlos Solis <Solisc@ci.marathon.fl.us>
Sent: Monday, April 13, 2020 10:08 AM
To: Kevin Land; Sean M. Cannon
Cc: John@shorelinefoundation.com; Charles M. Diveto
Subject: RE: EZ Dock Questions

Kevin, see responses and comments below.

Carlos A. Solis, P.E.
Director of Public Works & Engineering
City of Marathon | Public Works
9805 Overseas Highway | Marathon, FL 33050
Office: 305-289-5008 | Cell: 305-481-0451
solisc@ci.marathon.fl.us | www.ci.marathon.fl.us

From: Kevin Land <kland@shorelinefoundation.com>
Sent: Friday, April 10, 2020 3:04 PM
To: Carlos Solis <Solisc@ci.marathon.fl.us>; Sean M. Cannon <Cannons@ci.marathon.fl.us>
Cc: John@shorelinefoundation.com; Charles M. Diveto <cdiveto@shorelinefoundation.com>
Subject: EZ Dock Questions

Carlos/Sean,

I would like to go through all the EZ Dock items and confirm exactly what you want.

- EZ Dock Edging Bid List 850 LF, Please confirm if this is enough. Looks like it could be 92 dock edges needing edging if all exposed dock edges get new edging. **450'**
- EZ Dock Pile Brackets Bid List 15 ea. Sean already said to eliminate these. **None Needed eliminate cost**
- EZ Dock Tie up Cleats, Bid list +/-30, there are currently 25 cleats on the docks, plans state one every 15', this looks like it would require 32. Please confirm how many cleats you actually want.
- EZ Dock Corner Gusset, bid list 5 each, this would seem to match the plan requirements. Please confirm. **Non Needed, eliminate cost**
- EZ Dock D Sections, Bid list 3. Sean has said none required already. **None needed, eliminate cost**
- EZ Dock Double Utility Channel (20") bid item list 545 LF, Please confirm. **545' is correct**
- Extended Heavy Duty Pile Bracket. Bid list one (1). This seems to go at the end, please clarify if this is required. **This is correct.**
- Cleat Bar, not listed as a bid item. Plans seem to show 36. Please confirm how many actually required. There is no bid line for this item. **Need 556' of cleat bar as indicated on the plan.**
- Connectors, The plans do not call out new connectors. Please confirm if marina is asking for new ones to be installed. **Yes, all connectors are to be replaced. This was discussed at the pre-sub, but did not get into the addendum.**

Please revise your proposed change order documentation to deduct the items referenced above, include the stairs, and any other correction per this email. Once we review we will process the CO. Thanks

Sincerely

Kevin Land
Project Manager

Shoreline Foundation, Inc.
Marine Division
2781 SW 56th Av.
Pembroke Park, Fl. 33023
954-985-0460-Office
954-985-0462-Fax
954-347-5113-Mobile



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April 20, 2020

Carlos A. Solis, P.E.
Director of Public Works & Engineering
9805 Overseas Highway
Marathon, FL 33050

Project: **Marathon Marina
Hurricane Irma Repairs**

Subject: **Request for Change Order #01(R1)
Concrete Stairs**

Mr. Solis:

Per the phone Conference call today Shoreline Foundation, Inc. (SFI) is providing this Revised Request for Change Order (RCO) per your request to price the replacement of two sets of wood stairs with new concrete stairs. The 1st set located on the north end of the laundry building and the 2nd set on the south east end of the laundry building.

SFI has reviewed the cost and work involved and as discussed today can offer the city both sets of stairs and additional work described below for the revised cost of \$19,000.00

The work for both sets of stairs would removal and disposal of old wood stairs. Form, pour and finish new concrete stairs to match basic existing configuration and FDOT Design Standards 2013 for concrete stair detail on sheet D-02.

The existing handrails will be remounted.

Additionally as part of this work, SFI will remove the old concrete landing at the north stair location along with the sidewalk widening section located in the new sidewalk at the davit lift. SFI will additionally add approximately 1.33' width to the new sidewalk which is to tie into the new concrete stairs making the new sidewalk section approximately 4.33' wide and will provide a straight run sidewalk between the dock building and the laundry building.

Testing as required is included in this cost.

*The cost to complete the additional work is **Nineteen Thousand Dollars and 00/100 Cents (\$19,000.00).***

Note: no drawing or permits are included in this cost. No other work not listed above is included in this cost.

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Sincerely,

Kevin Land
Project Manager
Shoreline Foundation Inc.