

COUNCIL AGENDA STATEMENT



Meeting Date: March 9, 2021  
To: Honorable Mayor & Members of the City Council  
From: Dan Saus, Utilities Manager  
Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-25**, Approving Change Order’s #10 For “Marathon Area 3 & 4 WWTP Upgrades” To Reynolds Construction In The Amount Not To Exceed \$1,627,552.68; Authorizing The City Manager To Execute The Change Order And Expend Appropriated 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 Change Order #10 is for additional work at the Service Area 3, 5, & 7 facilities only, in the amount of \$1,627,552.68 to provide many plant upgrades and equipment purchases. The changes in scope are for multiple upgrades and equipment purchases for Service Areas 3, 5, & 7 treatment facilities. This work is being done to improve the overall serviceability and reliability of all three treatment facilities. This work is reimbursable through the ACOE grant money received this fiscal year.

The complete change order summary is attached as Exhibit C.

CONSISTENCY CHECKLIST:

- 1. Comprehensive Plan
- 2. Other – 2010 Sewer Mandate
- 3. Not applicable

Yes	No
_____	_____
_____	_____
_____	_____

FISCAL NOTE:

Funding for this change order requires appropriation by City Council. This expenditure will be submitted to the Army Corp Of Engineers for reimbursement from the City’s FY21 FKWQIP allocation.

RECOMMENDATION:

Approval of the Resolution

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2021-25**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A CONTRACT CHANGE ORDER #10 WITH REYNOLDS CONSTRUCTION FOR THE AREA 3 & 4 WWTP UPGRADE PROJECT IN AN AMOUNT NOT TO EXCEED \$1,627,552.68; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT CHANGE ORDER #10 AND EXPEND APPROPRIATED 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**, Change Order #10 is found to be reasonable for the additional work requested (and shown in Exhibit “C”) by City staff and recommended by the city’s engineer to be performed by Reynolds Construction, as the General Contractor, in the amount of \$1,627,552.68; and

**WHEREAS**, the City wishes to execute this change order #10 for additional upgrades and equipment purchases that will be reimbursed through ACOE grant funding,

**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 #10 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 appropriated 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 9<sup>th</sup> DAY OF MARCH 2021.**

**THE CITY OF MARATHON, FLORIDA**

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**Luis Gonzalez, 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. 10**

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**TO: City of Marathon**

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

**CONTRACTOR: Reynold's Construction**

**DATE: March 2, 2021**

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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 **\$7,373,065.22** 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: George Garrett  
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>\$7,373,065.22</u>
(3)	Total Proposed Change in Contract Price	<u>\$1,627,552.68</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$9,000,617.90</u>
(5)	Original Contract Time	<u>300 Days</u>
(6)	Proposed Change in Contract Time	<u>301Days</u>
(7)	Current Contract Time (Adjusted by Previous CO)	<u>1353Days</u>
(8)	Total Change in Contract Time	<u>1354 Days</u>
(9)	New Contract Time (Item 6 ± Item 7)	<u>1654 Days</u>
(10)	Original Contract Substantial Completion Date	<u>Sept. 30, 2017</u>
(I1)	New Contract Substantial Completion Date	<u>June 15, 2021</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
X	CO#10	\$7,373,065.22	\$1,627,552.68	\$0	\$1,627,552.68	301
Total					<b>\$6,076,467.90</b>	<b>1354</b>

The Change Order is a result of: Owner requested improvements at Areas 3, 5, and 7 WWTPs. Miscellaneous improvements are to be done at Areas 3, 5 & 7 as outlined in the table below. Additionally Area 3 shall have a redundant Disc filter, the repump system from Area 3, a new 600 amp electrical service, a new 800 kW generator and foundation, as well as a headworks expansion completed as part of the change order. All work associated with this CO shall be part of the ACOE grant funding.

The cost breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
Odor Control, Fence Slats, Fence Repair	\$25,233.09
DO2E Upgrades	\$14,480.00
Generator Upgrade and New Electrical Distribution Service	\$686,141.00
Headworks Upgrades, Disc Filer & Platform, Repump System	\$828,377.00
Feed Forward Pump Spools	\$9,782.12
Guide Rail Removal & Replacement	\$2,462.58
Reuse PVC Piping	\$4,888.93
Victaulic Coupling - MBR's	\$7,730.22
MBR Valve & Actuator (x1)	\$12,300.44
Blower Enclosure Addition	\$6,755.71
Baffle Wall Modifications, Pipe Stands	\$4,366.74
Valve & Actuator Repair / Reuse Tank Coating	\$7,243.87
Door Replacement & Site Repairs & Coatings	\$17,790.98
<b>TOTAL</b>	<b>\$1,627,552.68</b>