

COUNCIL AGENDA STATEMENT



Date: August 10, 2021
To: Honorable Mayor and City Council
From: Carlos A. Solis, P.E., Director of Public Works and Engineering
Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-66** Approving Change Order No. 3 To Contract Between The City And Discount Rock & Sand, Inc. In The Current Amount Of \$123,237.50 For Construction Of Sombrero Area Stormwater Improvements; Increasing The Contract In An Amount Not To Exceed \$940.00 to Raise Two Well Structures On Sombrero Beach Road for Safety Concerns; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

On December 21, 2020, the City entered into an agreement with Discount Rock & Sand, Inc for the construction of Stormwater Improvements in the Sombrero Area. Two of the structures installed adjacent to Sombrero Beach Roads are significantly lower than the adjacent pavement, thus causing a safety concern to the driving public. The work will raise the top of the structure, while also maintain the proper drainage elevation so as not to impact or flood the bike trail. This project is funded by an FDEP grant and the cost should be covered by the grant. While the CO is only \$940.00, the cumulative from previous change orders increases the total change order amount in excess of the \$35,000 limit, requiring Council approval.

CONSISTENCY CHECKLIST:

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

FISCAL NOTE:

Funding for this project is included in the FY21 Stormwater budget and is funded by a FDEP grant from the Stewardship funds.

RECOMMENDATION:

Approval of Resolution

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-66**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 3 TO CONTRACT BETWEEN THE CITY AND DISCOUNT ROCK & SAND, INC. IN THE CURRENT AMOUNT OF \$123,237.50 FOR CONSTRUCTION OF SOMBRERO AREA STORMWATER IMPROVEMENTS; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$940.00 TO RAISE TWO WELL STRUCTURES ON SOMBRERO BEACH ROAD FOR SAFETY CONCERNS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”) approved the agreement with Discount Rock and Sand (the “Contractor”) in December of 2020 for the Sombrero Stormwater System improvements and Repair project; and

WHEREAS, two of the structures installed adjacent to Sombrero Beach Road are significantly lower than the adjacent pavement, thus causing a safety concern to the driving public. The work described in Change Order No. 3 will raise the top of the structure, while also maintaining the proper drainage elevation so as not to impact or flood the bike trail; and

WHEREAS, the City finds that approving this change order with the Contractor is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Change order between the City and the Contractor in an amount not to exceed \$940.00, a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form by the City Attorney, is hereby approved. The City Manager is authorized to execute the Change Order No. 3 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 10th DAY OF AUGUST, 2021**

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 "C"
CHANGE ORDER

CHANGE ORDER NO. 3

TO: City of Marathon

PROJECT: Marathon Stormwater Wells

CONTRACTOR: Discount Rock and Sand

DATE: August 3, 2021

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 \$124,177.50 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>\$ 82,450.00</u> |
| (2) | Current Contract Price (Adjusted by Previous Change Orders) | <u>\$ 123,237.50</u> |
| (3) | Total Proposed Change in Contract Price | <u>\$ 940.00</u> |
| (4) | New Contract Price (Item 2 + Item 3) | <u>\$ 124,177.50</u> |
| (5) | Original Contract Time (Days) | <u>75 Days</u> |
| (6) | Current Contract Time (Adjusted by Previous Change Orders) | <u>120 Days</u> |
| (7) | Total Proposed Change in Contract Time | <u>16 Days</u> |
| (8) | New Contract Time (Item 6 + Item 7) | <u>200 Days</u> |
| (9) | Original Contract Final Completion Date | <u>April 3rd, 2021</u> |
| (10) | New Contract Final Completion Date | <u>August 30th, 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	\$82,450.00	\$30,937.50	\$0.00	\$30,937.50	45
II.	CO #2	\$113,387.50	\$9,850.00	\$0.00	\$9,850.00	64
III.	CO #3	\$124,177.50	\$940.00	\$0.00	\$940.00	16
Total		\$124,177.50	\$41,727.50	\$0.00	\$41,727.50	125

The Change Order is a result of:

The additional work to raise the lids on catch basins #4 and #5. This includes the CMU blocks, rebar, concrete, and labor to adjust the lids. In addition, due to continued supply chain issues affecting the piping industry, the Contractor has requested a time extension as a result of unanticipated long lead time for material procurement.

The cost breakdown is as follows:

Work Item Description	Price
CMU Blocks and Rebar	\$140.00
Concrete	\$400.00
Labor	\$400.00
TOTAL	\$ 940.00



Submitted by:

Eddie Lopez

Discont Rock And Sand

10500 Aviation Blvd

Marathon, FL 33050

Office: 305-743-5680

License #: CGC1528995 / CGC1523252 / CD/SL 025

Marathon Storm Water Project

July 26, 2021

Estimate

Eddie Lopez
Discont Rock And Sand
10500 Aviation Blvd
Marathon, FL 33050
Office 305-743-5680
License #: CGC1528995 / CGC1523252 / CD/SL 025

Project

Marathon Storm Water Project

Description

Cost

CS#4

CMU & Rebar	\$ 70
Concrete	\$ 200
Labor	\$ 200

CS#5

CMU & Rebar	\$ 70
Concrete	\$ 200
Labor	\$ 200

Description	Cost
-------------	------

Project Total	\$ 940.00
Tax	0.00
Total with Tax	\$ 940.00

We appreciate your business and look forward to working with you.

Approved By: _____ Date: _____

Date: _____

Contractor _____

Customer _____



Submitted by:

Eddie Lopez

Discont Rock And Sand

10500 Aviation Blvd

Marathon, FL 33050

Office: 305-743-5680

License #: CGC1528995 / CGC1523252 / CD/SL 025

Marathon Storm Water Project

July 16, 2021

Estimate

Eddie Lopez
Discont Rock And Sand
10500 Aviation Blvd
Marathon, FL 33050
Office 305-743-5680
License #: CGC1528995 / CGC1523252 / CD/SL 025

Project

Marathon Storm Water Project

Description

Cost

Drain Basin # 2	Time Extension	Aug 16, 2021
Concrete Tops # 3	Time Extension	July 30, 2021
Concrete Structure # 2 CMU Height Adjustment	Time Extension	1 Week

August 16, 2021, overrides all other dates. Please look at the emails from the suppliers with ETA on materials. There is no exact delivery date, so please don't hold me to this estimated date of August 16, 2021. We are expecting it to be sooner to finish but at this point I don't have an Official date of delivery.

----- Forwarded message -----

From: <Edwin.Hidalgo@ferguson.com>
Date: Thu, Jul 8, 2021 at 1:07 PM
Subject: FW: Ship Confirm Notification / MIAMI FL / Order # 13907571 / FERGUSON ENTERPRISES / 101645 / PO# A1216-6136
To: <Delamac1@yahoo.com>

George,

Please see the Vendors email below on the 30" Drain Basins for Sombrero.

Thank you,

Edwin Hidalgo

Inside Sales

Ferguson Waterworks

786-573-7140

From: Alyssa Ware <Alyssa.Ware@ads-pipe.com>
Sent: Thursday, July 8, 2021 11:33 AM
To: Edwin Hidalgo <Edwin.Hidalgo@Ferguson.com>
Cc: Josue Raudales <Josue.Raudales@ads-pipe.com>
Subject: FW: Ship Confirm Notification / MIAMI FL / Order # 13907571 / FERGUSON ENTERPRISES / 101645 / PO# A1216-6136

Edwin,

I apologize as I got this lead time incorrect, we are experiencing a shortage of material on our 30" basins and they do not currently have an estimated time when the material will be in, but it will be at least a few weeks.

Alyssa Ware

Nyloplast Specialist – NC & SC

alyssa.ware@ads-pipe.com

Discont Rock And Sand, License #: CGC1528995 / CGC1523252 / CD/SL 025