

COUNCIL AGENDA STATEMENT



Meeting Date: October 12, 2021  
To: Honorable Mayor & Members of the City Council  
From: Dan Saus, Utilities Manager  
Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-94**, Awarding Change Order #2 for the Engineering Design and Permitting for the Service Area 3 Wastewater Treatment Facility Expansion Upgrade and ACOE Grant Projects under Work Authorization 2019-105WW To Weiler Engineering Corporation.; Increasing the Contract Amount of \$215,395.00 to \$425,730.00 Authorizing the City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

The City of Marathon (the “City”) pursuant to the provisions contained in the Continuing Services Agreement 2019-105WW approved by Resolution 2019-105 on October 8, 2019, between the City of Marathon and Weiler Engineering Corporation wished to obtain engineering services for the “Service Area 3 Expansion Design and Permitting” for (the “Project”).

Change Order #2 is attached as Exhibit “C” details the Scope of Work and cost breakdown for the engineering design services and permitting for the “Service Area 3 Wastewater Treatment Facility Expansion Design and Permitting and ACOE construction grant work”. 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 “1”, the Change Order Summary, in the amount of \$425,730.00 to the Weiler Engineering Corporation which has completed other similar 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 and current ACOE grant construction projects”.

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 FY22 Wastewater Utility budget includes appropriations of \$2,500,000 for the SA3 to SA4 project.

RECOMMENDATION:

Approval of Resolution



## SUMMARY OF ACOE PROJECTS AS AREA 3 WWTP

### Headworks Expansion

The headworks expansion at the Area 3 plant included expanding the top platform and modifications to the steel structure supporting the elevated headworks platform. In order to accommodate increased flows for the planned expansion, the existing static screen will be removed and replaced with a higher capacity static screen. The proposed screen is larger and heavier than the existing screen, necessitating an expansion of the platform on which the static screen is to be installed. Mechanical, structural and piping plans were prepared. WEC assisted the City with negotiations of the scope of work and the cost of construction with Reynolds Construction LLC. WEC is providing construction administration and construction inspections throughout the construction.

### Emergency Generator Upgrade

The planned expansion of the Area 3 WWTP treatment capacity will require additional blowers, pumps and electrical equipment to accommodate the planned increase in flows. The existing generator and generator foundation are undersized for the future expansion. WEC designed a larger foundation for a proposed 800 kVA generator and designed the electrical connections to integrate the new generator into the existing equipment and leave circuits for the planned expansion. The platform for the generator is supported on piles and has stairs and safety railing to allow for maintenance. Mechanical, electrical and structural plans and details were prepared. Yard piping plans were prepared. WEC assisted the City with negotiations of the scope of work and the cost of construction with Reynolds Construction LLC. WEC provided construction administration and construction inspections throughout the construction.

### New Upgraded Electrical service 1200 amps

As mentioned above the planned WWTP expansion will require additional equipment. This electrical equipment will cause the Area 3 WWTP to exceed the allowable electrical loads on the current system. WEC has designed an expansion to the existing electrical system to bring the total system capacity to 1200 amps. As part of this design WEC had to design a structural steel platform to house the equipment above the 500 year flood elevation. WEC prepared design calculations, technical specifications, and drawings as well as negotiated the scope of the new electrical service with Reynolds Construction. WEC is providing construction administration and construction inspections throughout the construction.

### Redundant Disc Filter

The City desired to install an additional disc filter in order to meet the FDEP reliability requirements. The City plans to stop use of the existing sand filters as a redundant filtration system and use an additional disc filter due to space constraints and ease of operation. This is also essential to the expansion of the WWTP as the existing chlorine contact chambers will need to be expanded and utilizing the existing sand filters is the most cost-effective way of achieving this. WEC produced technical specifications for the disc filter and designed a platform supported by columns on a concrete footer on which to install the disc filter. A demolition plan for the existing sand filters was prepared. Mechanical, electrical and structural plans and details were prepared. Yard piping plans were prepared. WEC assisted the City with negotiations of the scope of work and the cost of construction with Reynolds Construction LLC. WEC provided construction administration and construction inspections throughout the construction.

### Area 3-4 Repump Pump Station

After performing an influent study, the City determined that due to a high concentration of fisheries, restaurants and trailer parks, the Area 3 influent strength was higher than estimated during design. To help reduce the mass loading of CBOD and TSS to the Area 3 plant, the City desired to install a pump station and force main that would allow the City to trim off peak loading by sending some of the influent to the Area 4 WWTP, which is only at about 60% capacity. WEC provided design of the elevated platform for mounting the electrical equipment above the base flood elevation. Additionally, a foundation was provided for the pumps along with an access way. The design included a foundation supported by piles and the plans included mechanical, electrical and structural plans for the platform, pump station, control panel and yard piping. WEC assisted the City with negotiations of the scope of work and the cost of construction with Reynolds Construction LLC. WEC provided construction administration and construction inspections throughout the construction.

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2021-94**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AWARDED A CONTRACT FOR CHANGE ORDER #2 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 \$215,395.00 TO THE NOT TO EXCEED AMOUNT OF \$425,730.00, 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 #2, which will enable the City to complete the engineering services for the “Service Area 3 Wastewater Treatment Facility Expansion Design and Permitting and adding ACOE Grant covered upgrades”; 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 12<sup>th</sup> DAY OF OCTOBER 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.   2  

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**TO: City of Marathon**

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

**CONTRACTOR: Weiler Engineering Corporation**

**DATE: September 15, 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 \$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.

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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.

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: \_\_\_\_\_  
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)	\$215,395.00
(3)	Total Proposed Change in Contract Price	\$210,335.00
(4)	New Contract Price (Item 2 + Item 3)	\$425,730.00
(5)	Original Contract Time	365 Days
(6)	Proposed Change in Contract Time	365 Days
(6.1)	Current Contract Time (Adjusted by Previous Change)	730 Days
(7)	Total Proposed Change in Contract Time	365 Days
(8)	New Contract Time (Item 6 ± Item 7)	1095 Days
(9)	Original Contract Substantial Completion Date	October 10, 2020
(10)	New Contract Substantial Completion Date	October 10, 2021

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
2.	ACOE Grant Work	\$215,395.00	\$210,335.00	\$	\$210,335.00	365 Days
<b>Total</b>					<b>\$353,205.00</b>	<b>730 Days</b>

The Change Order is a result of: The City received grant funding from ACOE. Some of this funding was used to implement capital improvements at the Area 3 WWTP. These improvements required design drawings and construction drawings, negotiation of construction contract, review of shop drawings and construction administration. WEC has been implementing the ACOE projects at the Area 3 WWTP, billing toward the previously approved amount for the Area 3 Wastewater Treatment Facility Expansion project. The ACOE-funded work was not included in the previously approved WEC scope. An increase in engineering fees is needed to add these additional services to the WEC scope.

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The cost breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
Design & Assistance with Construction Negotiations	\$ 97,755.00
Construction Phase Services	\$ 112,580.00
	\$
	\$
	\$
<b>TOTAL</b>	<b>\$ 210,335.00</b>