



COUNCIL AGENDA STATEMENT

Date: February 8, 2022
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 2022-18** Approving Change Order No. 6 To Contract Between The City And Discount Rock & Sand, Inc. In The Current Amount Of \$131,230.50 For Additional Grading And Replacement of Additional Damaged Asphalt; Increasing The Contract In An Amount Not To Exceed \$22,809.00; 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 December 21, 2020, the City entered into an agreement with Discount Rock & Sand, Inc for the construction of Stormwater Improvements in the Sombrero Area. The area of work was complete, and we determined that additional grading in the area is required to make better use of the stormwater system installed to allow the rising water from king tides to freely flow back to the inlets installed. We will also take advantage of the work being performed to install gravel instead of sod in the vicinity of the new inlets as this material will perform in wet conditions better than sod. The cost includes the credit for the sod and restoration work included in the original bid.

In addition, while the paving crew were on-site, we determined that there were additional areas of damaged asphalt that should be replaced during this operation, and this cost is included in the CO.

CONSISTENCY CHECKLIST:

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

FISCAL NOTE:

Approval of this resolution will appropriate the additional \$22,809 from reserves in the FY22 Stormwater Budget towards this project. Staff will be submitting this work for possible reimbursement from FDEP grant LPA0079.

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-18**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING CHANGE ORDER NO. 6 TO CONTRACT BETWEEN THE CITY AND DISCOUNT ROCK & SAND, INC. IN THE CURRENT AMOUNT OF \$131,230.50 FOR ADDITIONAL GRADING AND REPLACEMENT OF ADDITIONAL DAMAGED ASPHALT; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$22,809.00; 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”) 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, it was determined that additional grading in the area is required to make better use of the stormwater system. We will also take advantage of the work being performed to install gravel instead of sod in the vicinity of the new inlets as this material will perform in wet conditions better than sod . This change order also addresses the cost of the additional pavement repair requested by the City, that was not a result of the work performed and includes the credit for the sod and restoration work included in the original bid; 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 \$____, 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. 6 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 8th DAY OF FEBRUARY 2022**

THE CITY OF MARATHON, FLORIDA

John Bartus, 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

CHANGE ORDER

CHANGE ORDER NO. 6

TO: City of Marathon

PROJECT: Marathon Stormwater Wells

CONTRACTOR: Discount Rock and Sand

DATE: January 31, 2022

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 \$131,230.50 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.

City of Marathon

Contractor

By: _____

By: _____

Name: _____

Name: _____

Title: _____

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>\$ 131,230.50</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 22,809.00</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$154,039.50</u>
(5)	Original Contract Time (Days)	<u>75 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>245 Days</u>
(7)	Total Proposed Change in Contract Time	<u>36 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>373 Days</u>
(9)	Original Contract Final Completion Date	<u>April 3rd, 2021</u>
(10)	New Contract Final Completion Date	<u>February 20, 2022</u>

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
1.	CO #1	\$82,450.00	\$30,937.50	\$0.00	\$30,937.50	45
2.	CO #2	\$113,387.50	\$9,850.00	\$0.00	\$9,850.00	64
3.	CO #3	\$123,237.50	\$940.00	\$0.00	\$940.00	16
4.	CO #4	\$124,177.50	\$3,953.00	\$4,400.00	-\$447.00	45
5.	CO #5	\$123,730.50	\$7,500.00	\$0.00	\$7,500.00	92
6.	CO#6	\$131,230.50	22,809.00	\$0.00	\$22,809.00	36
Total		\$131,230.50	\$xxx	\$0.00	\$71,589.50	298

The Change Order is a result of:

The area of work was complete, and we determined that additional grading in the area is required to make better use of the stormwater system installed to allow the rising water from king tides to freely flow back to the inlets installed. We will also take advantage of the work being performed to install gravel instead of sod in the vicinity of the new inlets as this material will perform in wet conditions better than sod. The cost includes the credit for the sod and restoration work included in the original bid.

In addition, while the paving crew were on-site, we determined that there were additional areas of damaged asphalt that should be replaced during this operation, and this cost is included in the CO.

DISCOUNT ROCK & SAND, INC.

P.O. Box 504484 • Marathon, FL 33050
(305) 743-5680 Office • (305) 289-4200 Fax

Sombrero Stormwater System Improvements
Project: 20100.003

Date: 01/31/2022

FIELD CHANGE ORDER CHANGE ORDER NO: 6

Additional time request to complete job (5) Days

Create Swales to Drian directly into City Drainage, Additional work of 4330 Sq Ft,
Price Includes, Removal of Muck/Dirt, create Swales, Spreading, Grading, 3 days labor with 2 equipment
(Excavator & Bobcat) \$8,640.00

2 Loads of #57 Rock \$1,490.00

12 Trucks of Fill \$5,400.00

Additional Asphalt paving for Damaged Areas Labor & Material \$7,279.00

In Contract 8,670 Sq ft of Sod Material and Install customer requested instead
Installation of Gravel & spreading. (6) Trucks of gravel No charge for change \$0.00

Total \$22,809.00

APPROVAL SIGNATURE _____ DATE: _____