



## COUNCIL AGENDA STATEMENT

**Meeting Date:** June 10, 2025

**To:** Honorable Mayor & Members of the City Council

**From:** George Garrett, City Manager

**Agenda Item:** **Resolution 2025-58** Approving Change Order Number 2 For The Marathon Sombrero Blvd. Drainage Improvements Project In The Amount Of \$109,174.20; Authorizing The City Manager To Sign The Change Order And To Expend Budgeted Funds; And Providing An Effective Date

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### BACKGROUND & JUSTIFICATION:

As the contractor, Charley Toppino & Sons, Inc., has begun the Sombrero Blvd. drainage improvement project. We have discovered conflicts in areas that require some construction modification. We handled the first issue at the May 13 2025 meeting. It involved the cost to have FKEC relocate two power poles. Council approved the item and asked that I discuss with the Contractor not taking their profit and overhead. I have done that. As we now completely understand the issues and options for underground conflicts, we are prepared to handle the second part of the conflicts question.

First, the City approved a contract with Charley Toppino & Sons, Inc., through Resolution 2024-127 to complete the Marathon Sombrero Blvd. Drainage Improvements Project. Section 30 of the Contract identifies the variability of "Subsurface Conditions" and provides a route for additional payments through Section 29 of the Contract (a Change Order) when such variability requires a modification in the Contract.

This memorandum documents Change Order #2 for the Sombrero Boulevard Drainage Improvements Project. This change order authorizes Charley Toppino & Sons (CTS) to coordinate and perform the rerouting of existing vacuum sewer and sewer force main lines that conflict with the proposed drainage improvements along Sombrero Boulevard. CTS will undertake all necessary activities to ensure the planned drainage work is installed without interference from existing utilities.

### **Scope of Work**

During the design phase, as-built and record information was used and provided in the conformed plans regarding the location of the existing utilities along Sombrero Blvd. The horizontal location of the existing 4-inch force main (FM) was identified, but available record information did not provide its elevation. Similar issues were encountered with the VM. To verify potential conflicts, CTS conducted exploratory digging and confirmed that the existing FM & VM lie at the same elevation as the proposed improvements in several locations. This change order allows CTS to remove and reinstall the existing 10-inch vacuum main (VM) and 4-inch force main (FM) that conflict with the installation of the proposed 18-inch stormwater pipes and associated structures. CTS will coordinate with the City to ensure that the existing utility lines are relocated according to City standards and specifications and will verify that the reroutes are completed before installing the stormwater infrastructure in this area.

#### 4-inch FM Reroute Options

Two methods are being presented for rerouting the existing force main. Option 1 involves relocating the FM into the south lane, taking advantage of the fact that this portion of roadway is currently clear of utilities. This approach requires excavating the road surface and installing additional bedding stone to properly support the pipe beneath the pavement, which increases both labor and material costs. In contrast, Option 2 entails placing the FM in the same trench as the new 18-inch stormwater pipes and structures. By maintaining the necessary separation between the two lines, this alternative minimizes excavation and eliminates the need for extra bedding material, resulting in significant cost savings. CTS has provided cost estimates for both methods, which are summarized in the table below. Detailed proposals from CTS can be found in Exhibit A & B. Weiler and the City are recommending Option # 2 as the quickest, least disruptive, and most cost-effective approach to resolving the Force main conflict.

#### Cost Summary

As outlined below, the cost impact for the proposed relocations to be incorporated into the construction contract as Change Order #2. Detailed proposals for these relocations can be found in Exhibit B & C. It should be noted that as part of the contract, CTS allocated \$40,000.00 for removal/rerouting of existing utilities within Bid Item No. 15. This amount will be used in part to cover the relocation expenses.

• 4-inch FM Reroute Proposal (Option 2, Exhibit B)	\$69,027.98
• 10-inch VM Reroute Proposal (Exhibit C)	\$80,146.22
• Bid Item No. 15 : Remove/Reroute Existing Utilities	(\$40,000.00)
<b>Total Change Order #2 Amount</b>	<b>\$109,174.20</b>

At the end of the day, there are generally contingencies built into contracts such as this to manage unforeseen issues such as the conflicts that we have found in this instance. In fact, a \$40,000 contingency was built into this contract. Unfortunately, the conflicts and costs to resolve them run to an amount approaching \$200,000 (Change Orders No. 1 & 2). Thus, with the approval of the two change orders, the net contract increase will be \$153,054.51. Though a great deal of work was done to develop plans for Sombrero Blvd., they were also completed quite rapidly. Thus, the precise vertical location (the important issue) of some of the existing pipe (FM & VM) was not known with certainty. The change orders resolve the question and resolve all issues toward final project completion.

#### CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>X</u>	_____
2. Other –Sewer Mandate	<u>X</u>	_____

#### FISCAL NOTE:

The adopted FY25 Stormwater Budget includes appropriations of \$2,830,000 for the Sombrero Road Project.

#### RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2025-58**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NUMBER 2 FOR THE MARATHON SOMBRERO BLVD. DRAINAGE IMPROVEMENTS PROJECT IN THE AMOUNT OF \$109,174.20; AUTHORIZING THE CITY MANAGER TO SIGN THE CHANGE ORDER AND TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City approved a contract with Charley Toppino & Sons, Inc. (CTS), through Resolution 2024-127 to complete the Marathon Sombrero Blvd. Drainage Improvements Project; and

**WHEREAS**, Section 30 of the Contract identifies the variability of “Subsurface Conditions” and provides a route for additional payments through Section 29 of the Contract (a Change Order) when such variability requires a modification in the Contract; and.

**WHEREAS**, we have identified conflicts in areas that require some construction modification. We handled the first issue at the May 13 2025 meeting. It involved the cost to have FKEC relocate two power poles. Council approved the item and asked that I discuss with the Contractor not taking their profit and overhead.; and

**WHEREAS**, as we now completely understand the issues and options for underground conflicts, we are prepared to handle the second part of the conflicts question; and

**WHEREAS**, the attached memorandum documents Change Order #2 for the Sombrero Boulevard Drainage Improvements Project; and

**WHEREAS**, this change order will authorize Charley CTS to coordinate and perform the rerouting of existing vacuum sewer and sewer force main lines that conflict with the proposed drainage improvements along Sombrero Boulevard; and

**WHEREAS**, CTS will undertake all necessary activities to ensure the planned drainage work is installed without interference from existing utilities; and

**WHEREAS**, there are generally contingencies built into contracts such as this to manage unforeseen issues such as the conflicts that we have found in this instance. In fact, a \$40,000 contingency was built into this contract; and

**WHEREAS**, the conflicts and costs to resolve them run to an amount approaching \$200,000 (Change Orders No. 1 & 2); and

**WHEREAS**, a great deal of work was done to develop plans for Sombrero Blvd., they were also completed quite rapidly. Thus, the precise vertical location (the important issue) of some of the existing pipe (FM & VM) was not known with certainty; and

**WHEREAS**, with the approval of the two change orders, the net contract increase will be \$153,054.51; and

**WHEREAS**, the change orders resolve the question and resolve all issues toward final project completion.

**WHEREAS**; approval of this Resolution is in the best interest of the City in protecting the health, safety, and welfare of the City,

**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 hereby incorporated into this Agreement.

**Section 2.** Change Order No. 2 identified in the attached Exhibit is hereby approved. The City Manager is authorized to sign the Order and to expend funds based upon it.

**Section 3.** This resolution shall take effect immediately upon its adoption and signature of both parties.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF JUNE 2025**

**THE CITY OF MARATHON, FLORIDA**

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Lynn Landry, 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: Sombrero Blvd Drainage Improvements**

**CONTRACTOR: Charley Toppino & Sons Inc.**

**DATE: June 2, 2025**

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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 \$4,914,376.31 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.

\_\_\_\_\_(Seal)  
Surety's Name and Corporate Seal

By:\_\_\_\_\_  
Signature and Title

Attest:\_\_\_\_\_  
Signature and Title

**City of Marathon**  
By:\_\_\_\_\_  
Name: George Garrett  
Title City Manager

**Contractor**  
By:\_\_\_\_\_  
Name: Richard Toppino  
Title President

# 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>\$ 4,870,496.00</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 4,914,376.31</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 109,174.20</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 5,023,550.51</u>
(5)	Original Contract Time (Days)	<u>365 Days</u>
(6)	Current Contract Time (Adjusted by Previous Change Orders)	<u>365 Days</u>
(7)	Total Proposed Change in Contract Time	<u>35 Days</u>
(8)	New Contract Time (Item 6 + Item 7)	<u>400 Days</u>
(9)	Original Contract Substantial Completion Date	<u>February 15, 2026</u>
(10)	New Contract Substantial Completion Date	<u>March 22, 2026</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	\$4,870,496.00	\$43,880.31	\$0.00	\$43,880.31	0 days
2	CO #2	\$4,914,376.31	\$149,174.20	\$40,000.00	\$109,174.20	35 days
Total					\$153,054.51	35 days



This Change Order addresses utility conflicts impacting the installation of the 18” stormwater pipe along Sombrero Blvd. Proximity to existing force main and vacuum main posed a conflict with installation of the proposed stormwater pipes which therefore resulted in coordination with the contractor to determine feasible options for rerouting existing utilities. This Change Order reflects the additional costs needed for CTS to perform this adjustments beyond the original project scope.

The cost breakdown is as follows:

4-inch FM Reroute	\$69,027.98
10-inch VM Reroute	\$80,146.22
Bid Item #15 – Remove/Reroute of Existing Utilities	(\$40,000.00)
<b>TOTAL</b>	<b>\$109,174.20</b>



## MEMORANDUM

**To:** George Garrette – City Manager, City of Marathon  
**From:** Steve Suggs, P.E.  
**Date:** June 2, 2025  
**Re:** COM Sombrero Blvd Drainage Improvements – Change Order #2

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This memorandum documents Change Order #2 for the Sombrero Boulevard Drainage Improvements Project. This change order authorizes Charley Toppino & Sons (CTS) to coordinate and perform the rerouting of existing vacuum sewer and sewer force main lines that conflict with the proposed drainage improvements along Sombrero Boulevard. CTS will undertake all necessary activities to ensure the planned drainage work is installed without interference from existing utilities.

### **Scope of Work**

During the design phase, as-built and record information was used and provided in the conformed plans regarding the location of the existing utilities along Sombrero Blvd. The horizontal location of the existing 4-inch force main (FM) was identified, but available record information did not provide its elevation. Similar issues were encountered with the VM. To verify potential conflicts, CTS conducted exploratory digging and confirmed that the existing FM & VM lie at the same elevation as the proposed improvements in several locations.

This change order allows CTS to remove and reinstall the existing 10-inch vacuum main (VM) and 4-inch force main (FM) that conflict with the installation of the proposed 18-inch stormwater pipes and associated structures. CTS will coordinate with the City to ensure that the existing utility lines are relocated according to City standards and specifications, and will verify that the reroutes are completed before installing the stormwater infrastructure in this area.

### **4-inch FM Reroute Options**

Two methods are being presented for rerouting the existing force main. Option 1 involves relocating the FM into the south lane, taking advantage of the fact that this portion of roadway is currently clear of utilities. This approach requires excavating the road surface and installing additional bedding stone to properly support the pipe beneath the pavement, which increases both labor and material costs. In contrast, Option 2 entails placing the FM in the same trench as the new 18-inch stormwater pipes and structures. By maintaining the necessary separation between the two lines, this alternative minimizes excavation and eliminates the need for extra bedding material, resulting in significant cost savings.

CTS has provided cost estimates for both methods, which are summarized in the table below. Detailed proposals from CTS can be found in Exhibit A & B.

FM Reroute Proposals	
4-inch FM Relocation Option 1	\$131,600.00
4-inch FM Relocation Option 2 (Recommended)	\$69,027.98

### **Cost Summary**

The table below outlines the cost impact for the proposed relocations to be incorporated into the construction contract as Change Order #2. Detailed proposals for these relocations can be found in Exhibit B & C. It should be noted that as part of the contract, CTS allocated \$40,000.00 for removal/rerouting of existing utilities within Bid Item No. 15. This amount will be used in part to cover the relocation expenses.

Cost Summary	
4-inch FM Reroute Proposal (Option 2, Exhibit B)	\$69,027.98
10-inch VM Reroute Proposal (Exhibit C)	\$80,146.22
Bid Item No. 15 : Remove/Reroute Existing Utilities	(\$40,000.00)
<b>Total Change Order #2 Amount</b>	<b>\$109,174.20</b>

### **Requested Time Extension**

In light of the extra effort needed for utility rerouting, CTS has asked for a 2-week extension for the VM reroute and a 3-week extension for the FM reroute. Consequently, the new substantial completion date is March 22, 2026. The table below outlines how these requested extensions affect the overall construction schedule.

Contract Scheduling	
Original Contract Time	365 days
Total Proposed Change in Contract Time	35 days
Original Contract Substantial Completion Date	February 15, 2026
<b>New Contract Substantial Completion Date</b>	<b>March 22, 2026</b>

### **Attachments**

- Exhibit A: 4-inch FM Reroute Proposal – Option 1
- Exhibit B: 4-inch FM Reroute Proposal – Option 2
- Exhibit C: 10-inch VM Reroute Proposal

### **Recommendation**

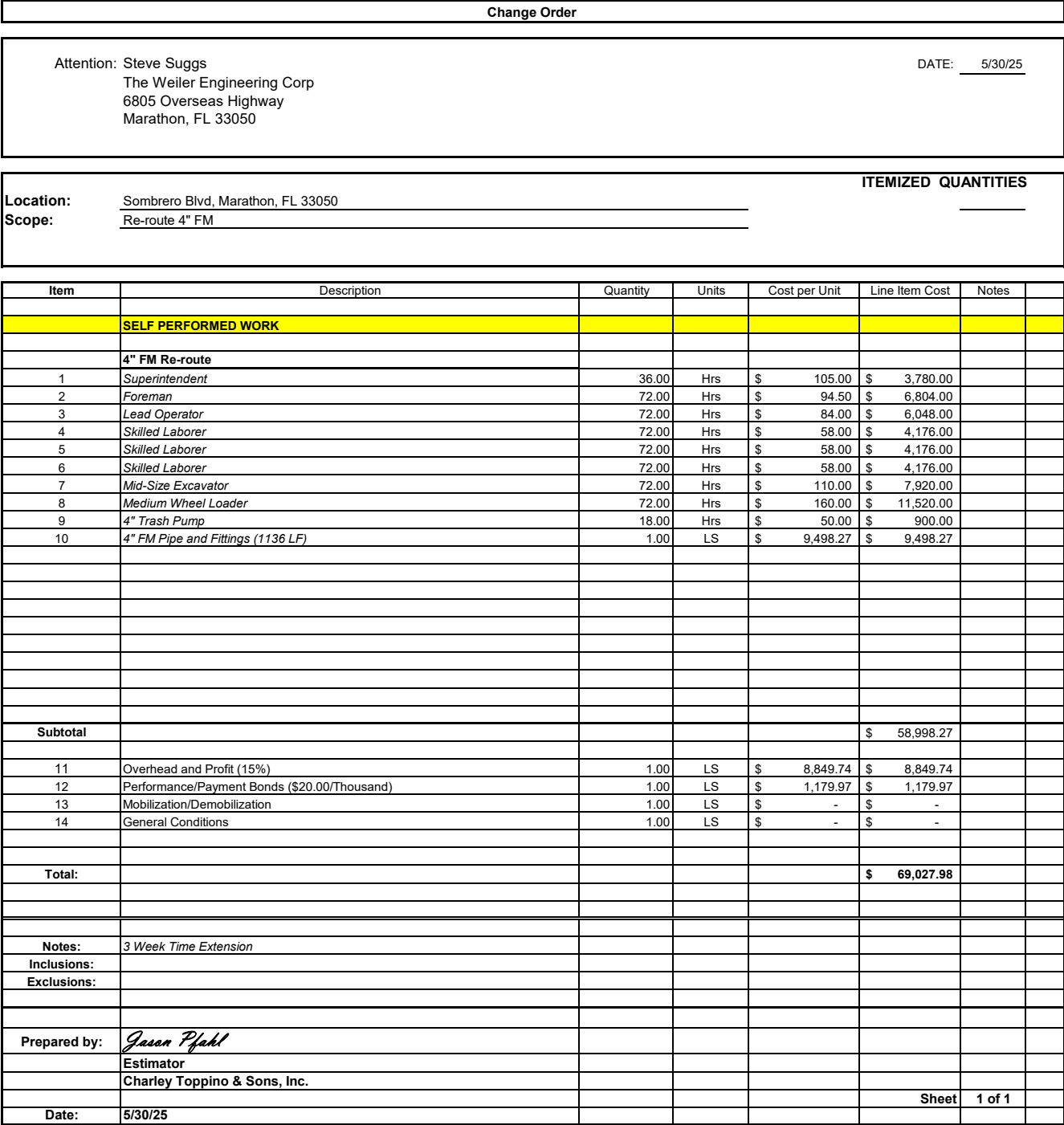
WEC recommends that the City proceed with Option 2 for rerouting the 4-inch force main—placing it in the same trench as the new stormwater pipes—and also relocate the existing 10-inch vacuum main. By consolidating the FM within the stormwater trench, the project benefits from reduced excavation, streamlined bedding requirements, and lower material costs, while the 10-inch VM relocation ensures no conflicts remain. We believe this combined approach minimizes disruptions, enhances constructability, and delivers the most efficient, cost-effective solution for the City’s proposed improvements.

## **Exhibit A: 4-inch FM Reroute Proposal – Option 1**





## **Exhibit B: 4-inch FM Reroute Proposal – Option 2**





## **Exhibit B: 10-inch VM Reroute Proposal**



