

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-68**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AWARDING A CONTRACT FOR CHANGE ORDER #1 TO THE “CHEMICAL UPGRADES” TO REYNOLDS CONSTRUCTION, LLC.; APPROVING THE CHANGE IN CONTRACT AMOUNT OF \$58,291.77, 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 Reynolds Construction, LLC. (the “Contractor”) have entered into a agreement for the Chemical Upgrades; and

WHEREAS, the City staff wish to enter into this Change Order #1, which will enable the City to complete the construction for the “Chemical Upgrades”; and

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

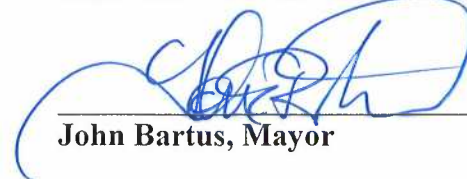
Section 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Change Order #1 attached hereto as Exhibit “A”, 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 12th DAY OF JULY 2022.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Cook, Gonzalez, Still, Zieg, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

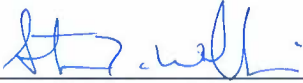
ATTEST:



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. 1

TO: City of Marathon

PROJECT: City of Marathon Chemical Upgrades Project

CONTRACTOR: Reynolds Construction, LLC

DATE: 27 June 2022

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 \$ 2,715,000 under the Agreement will be [**changed**] by this Change Order, and (b) the schedule for performance of Work will be [**unchanged**] 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.

Travelers Casualty and Surety Company of America (Seal)

Surety's Name and Corporate Seal

By: [Signature]

Signature and Title William A. Kantlehner, III
City of Marathon Attorney-in-Fact



Attest: [Signature]

Signature and Title Elizabeth Dawson
Contractor Attorney-in-Fact
Reynolds Construction of Florida, LLC

By: [Signature]
Name: George Barrett
Title: City Manager

By: [Signature]
Name: JOSUA R. VOJTESAK
Title: PROJECT MANAGER



Sandra J. Murphy



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 \$2,715,000
- (2) Current Contract Price (Adjusted by Previous Change Orders) \$2,715,000
- (3) Total Proposed Change in Contract Price \$58,291.77
- (4) New Contract Price (Item 2 + Item 3) \$2,773,291.77
- (5) Original Contract Time 365 Days
- (6) Proposed Change in Contract Time 0 Days
- (6) Current Contract Time (Adjusted by Previous Change Orders) 365 Days
- (7) Total Proposed Change in Contract Time 0 Days
- (8) New Contract Time (Item 6 ± Item 7) 365 Days
- (9) Original Contract Substantial Completion Date 12/24/22
- (10) New Contract Substantial Completion Date 12/24/22

| CHANGE ORDER HISTORY | | | | | | |
|----------------------|----------------------|-------------------------|-----------------|------------------|------------------------------|--------------------------|
| Item No. | Description | Current Contract Amount | Additive Change | Deductive Change | Net Change In Contract Price | Net Change Contract Time |
| 1. | Total Contract Price | \$2,715,000 | \$58,291.77 | N/A | \$58,291.77 | 0 |
| Total | | | | | \$58,291.77 | |

The Change Order is a result of:

First cost change is due to Davis Bacon wage requirements being added to the contract. Second cost change is due to flood elevation changes. FEMA has raised the flood elevation with the new maps and structures were raised to accommodate the flood elevation change. The last cost change is a result of the chemical structure at Area 7 needing to be redesigned due to unknown utilities conflicts.

The Cost Breakdown is as follows:

| WORK ITEM DESCRIPTION | PRICE |
|--|---------------------|
| Davis Bacon Wages | \$ 24,366.46 |
| Raising Chemical Platforms | \$ 27,578.41 |
| Area 7 Utilities Conflicts Redesign | \$ 6,346.90 |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| TOTAL | \$ 58,291.77 |