

COUNCIL AGENDA STATEMENT



Meeting Date: September 21, 2023  
To: Honorable Mayor & Members of the City Council  
From: Dan Saus, Utilities Director  
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-93**, Approving Change Order #3 to the contract with Reynolds Construction in An Amount Not to Exceed \$10,536.38 for the WWTP 7 for installing a privacy fence on the elevated slab, including a time change for the substantial completion for the project for WWTP 5; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

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BACKGROUND & JUSTIFICATION:

Staff has requested privacy fencing for the elevated slab at WWTP 7 in the amount of \$10,536.38. In additional requesting additional time to complete the scope of work due to the material delays for the transfer pump for WWTP 5. Change Order Summary Attached as Exhibit 1.

Staff recommends approval of Change Order #3 to the contract for Reynolds Construction for the additional work and equipment as described in the change order in an amount not to exceed \$10,536.38. The time extension for the new substantial completion date of November 30,2023.

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 tentative FY24 Wastewater Utility Budget includes appropriations of \$892,833 for this project.

RECOMMENDATION: Approval of Resolution.

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2023-93**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH REYNOLDS CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$10,536.38 FOR THE WWTP 7 FOR INSTALLING A PRIVACY FENCE ON THE ELEVATED SLAB, INCLUDING A TIME CHANGE FOR THE SUBSTANTIAL COMPLETION FOR THE PROJECT FOR WWTP 5; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in accordance the City’s competitive bidding procedures, the Chemical Upgrades Project was competitively bid on September 8, 2021 and bids received until November 5<sup>th</sup> and,

**WHEREAS**, the lowest responsive and responsible bid was received by Reynolds Construction In an amount not to exceed \$3,945,000.00 and approved by Council,

**WHEREAS**, the Staff now recommends the City Council to approve Change Order #3 for the work described in Change Order #3 to the contract with Reynolds Construction., in an amount not to exceed \$10,536.38, as provided on Exhibit “C”,

**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 are incorporated herein by this reference.

**Section 2.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 21<sup>st</sup> DAY OF SEPTEMBER 2023.**

**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. 03**

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**TO: City of Marathon**

**PROJECT: City of Marathon Chemical Upgrades Project**

**CONTRACTOR: Reynold's Construction, LLC**

**DATE: 18 August 2023**

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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 **\$2,803,595.17** 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.

Travelers Casualty and Surety Company of America (Seal)

Surety's Name and Corporate Seal

By: \_\_\_\_\_

Signature and Title William A. Kanlehner III,  
Attorney-In-Fact  
**City of Marathon**



Attest: \_\_\_\_\_

Signature and Title Kevin H. Bowling,  
Attorney-In-Fact  
**Contractor**

By: \_\_\_\_\_

Name: George Garrett

Title: City Manager

By: \_\_\_\_\_

Name: Joshua R. Vondersaar

Title: Project Manager

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	\$2,715,000.00
(2)	Current Contract Price (Adjusted by Previous Change Orders)	\$2,803,595.17
(3)	Total Proposed Change in Contract Price	\$10,536.38
(4)	New Contract Price (Item 2 + Item 3)	\$2,814,131.55
(5)	Original Contract Time	365 Days
(6)	Proposed Change in Contract Time	154 Days
(7)	Current Contract Time (Adjusted by Previous CO)	553 Days
(8)	Total Change in Contract Time	342 Days
(9)	New Contract Time (Item 6 ± Item 7)	707 Days
(10)	Original Contract Substantial Completion Date	Dec 24, 2022
(I 1)	New Contract Substantial Completion Date	November 30 <sup>th</sup> , 2023

CHANGE ORDER HISTORY						
Item No.	Description	Current Contract Amount	Additive Change	Deductive Change	Net Change Contract Price	Net Change Contract Time
I.	CO #1	\$2,715,000.00	\$58,291.77	\$0	\$58,291.77	0
II	CO #2	\$2,773,291.77	\$30,303.40	\$0	\$30,303.40	188 days
III	CO #3	\$2,803,595.17	\$10,536.38	\$0	\$10,536.38	154 days
IV						
V						
VI						
Total					\$99,131.55	342 days

The Change Order is a result of: Changes are a result of a staff requested privacy fence for the elevated slab at the Marathon Area 7 Wastewater Treatment Plant. There will also be additional time added to the scope of the work due to material delays for the transfer pump at Area 5.

The cost breakdown is as follows:

WORK ITEM DESCRIPTION	PRICE
PCO 3- Area 7 Elevated Fence	\$10,536.38
<b>TOTAL</b>	\$10,536.38

## Time Extension Request

Jason Brownlee <Jason.Brownlee@reynoldscon.com>

Tue 8/15/2023 3:54 PM

To: Abigail Connell <aconnell@weilerengineering.org>

Abi,

We are continuing to experience delays with the transfer pump at Area 5, we would like to request a time extension for the chemical project. Reynolds is not seeking additional financial compensation for the delay of the project but would like to formally request a contract extension setting a new substantial completion date of November 30, 2023.

**Thank you,**

**Jason Brownlee**

Project Engineer/Field Engineer

**Reynolds Construction, LLC**

300 East Broad Street | Fairburn, GA | 30213

Office : 770-969-4040 | Mobile : 601-344-8970

[jason.brownlee@reynoldscon.com](mailto:jason.brownlee@reynoldscon.com) | [www.reynoldscon.com](http://www.reynoldscon.com)



*The Trusted Name for 85+ years*

**EXHIBIT "D"**

Form of Work Directive Change

WORK DIRECTIVE CHANGE

No. 3

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DATE OF ISSUANCE 25 April 2023

EFFECTIVE DATE 25 April 2023

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OWNER City of Marathon

CONTRACTOR Reynolds Construction

Contract: City of Marathon Chemical Upgrades

Project: City of Marathon Chemical Upgrades

OWNER's Contract No. \_\_\_\_\_

ENGINEER's Project No. 20100.001

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You are directed to proceed promptly with the following change(s):

Description:

-Installation of a privacy fence on the elevated slab located at the Marathon Area 7 WWTP.

Purpose of Work Directive Change:

-The purpose of the fence is for privacy at the Area 7 WWTP.

Attachments: (List documents supporting change)

-Reynolds Construction proposal for cost increase and time for the work to install the Area 7 fence.

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If OWNER or CONTRACTOR believe that the above change has affected Contract Price any Claim for a Change Order based thereon will involve one or more of the following methods as defined in the Contract Documents.

Method of determining change in Contract Price:

Unit Prices

Lump Sum

Cost of the Work \_\_\_\_\_

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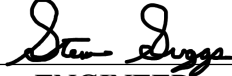


Estimated increase (decrease) in Contract Price: \$10,536.38  
If the change involves an increase, the estimated amount is not to be exceeded without further authorization.

Estimated increase (decrease) in Contract Times:  
Substantial Completion: 2 days;  
Ready for final payment: 2 days.

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RECOMMENDED:

  
ENGINEER

By: Stephen J. Suggs, Project Manager

AUTHORIZED:

  
CITY

By: Daniel Saus, Utilities Director