



**THE CITY OF KEY WEST**  
1300 White Street, Key West, FL 33041-1409 (305) 809-3700

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**EXECUTIVE SUMMARY**

**Date:** March 1, 2022

**To:** Patti McLauchlin, City Manager

**From:** Kelly Crowe, P.E., City Engineer

**Cc:** Todd Stoughton, Assistant City Manager  
Christina Bervaldi, Finance Director  
Steve McAlearney, Engineering Director

**Subject:** Authorization to execute Change Order #2 in the amount of \$160,029.11 (\$150,332.36 FKAA/\$9,696.75 CKW) and extend contract time by 42 days to Charley Toppino and Sons, Inc. for additional work associated with ITB #21-009 Whitehead and Front Improvements Project

**ACTION STATEMENT**

Authorize City Manager to execute Change Order #2 in the amount of \$160,029.11 and extend contract time by 42 days to Charley Toppino and Sons, Inc. for additional work associated with ITB #21-009 Whitehead and Front Improvements Project and execute any necessary budget transfers/amendments.

**BACKGROUND**

A contract was awarded to Charley Toppino and Sons, Inc. (CTS) for the construction of the Whitehead and Front Street Improvements project per Resolution 21-113. The City is partnering with the Florida Keys Aqueduct Authority (FKAA) on the project through an Interlocal Agreement (ILA) per Resolution 21-058 to have their water main replaced ahead of the roadway rehabilitation. FKAA is not a party to the contract; however, a portion of the total contract cost attributed to FKAA's scope will be reimbursed to the city per the terms of the ILA.

CTS has requested a change order in the amount of \$160,029.11 due to unforeseen conditions with respect to the water pipe installation. The change in work resulted in additional labor and equipment time required to excavate the utility trench, shore the trench, modify the water main

alignment to avoid conflicts, additional maintenance of traffic (MOT) and remove existing concrete that underlaid FDOT's brick crosswalks. A majority of the cost is related to the water main conflicts and will be reimbursed by FKAA. Since the city shares the cost of the MOT with FKAA, a portion of the MOT cost is the city's responsibility. The breakdown of the change order cost is as follows:

<b>Agency</b>	<b>Cost</b>
FKAA	\$150,332.36
City of Key West	\$9,696.75
<b>Total</b>	<b>\$160,029.11</b>

In addition to the cost change, the contract time will need to be extended due to the delays from the unforeseen conditions, holiday work suspension and weather days. The original contract granted 200 days for completion and the following is a summary of the time extensions:

<b>Change Order Number</b>	<b>Extended Days</b>	<b>Total Days</b>	<b>Reason</b>
CO #1	40	240	Supply line issues
CO #2	42	282	Unforeseen conditions, holiday suspension, weather days.

The time extension will bring the final contract day to April 26, 2022.

### **PURPOSE AND JUSTIFICATION**

FKAA has agreed to pay the \$150,332.36 portion of the change order. City staff agrees that per the ILA, both FKAA and the city share the cost of MOT. The total MOT cost per the change order is \$16,718.53. The city's proportion of the MOT is 58% per the original contract. As a result, the city's share is \$9,696.75. City staff coordinated with FKAA and negotiated a final cost that was reasonable. Additionally, FKAA's Board of Directors approved a budget increase for their portion of the change order at their meeting on March 8, 2022.

This project supports the Key West Strategic Plan including meeting Infrastructure Goal #1, *A transportation system which is aesthetically attractive, functional, efficient, safer and environmentally sensitive.*

### **FINANCIAL**

The change order will be funded from Account 102-4102-541-6300 (Internal Improvements/Gas Tax); Project II41022002. Purchase order #94266 to CTS will increase from the original contract amount of \$2,107,476.50 to \$2,267,505.61. Upon execution of Change Order #2, the adjustments to the project accounts will be as follows:

<b>Project Number</b>	<b>Amount (Original Contract)</b>	<b>Amount (Change Order #2)</b>	<b>Net Change</b>
<i>II41022001 (ADA Sidewalks)</i>	\$721,017.46	\$721,017.46	\$0
<i>II41022002 (Paving)</i>	\$502,424.26	\$512,121.01	\$9,696.75
<i>II41022002 (Paving)</i>	\$884,034.78 <sup>1</sup>	\$1,034,367.14 <sup>1</sup>	\$150,332.36 <sup>1</sup>
<b>Total</b>	<b>\$2,107,476.50</b>	<b>\$2,267,505.61</b>	<b>\$160,029.11</b>

1. Amount to be reimbursed by FKAA per Interlocal Agreement (ILA).

### **RECOMMENDATION**

Staff recommends authorizing the City Manager to execute Change Order #2 in the amount of \$160,029.11 and extend contract time by 42 days to Charley Toppino and Sons, Inc., and execute any necessary budget transfers/amendments.