

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AN EMERGENCY CHANGE ORDER APPROVED BY THE CITY MANAGER ON APRIL 29, 2022 IN THE AMOUNT OF \$239,093.24, AS PROVIDED FOR UNDER SECTION 2-845 AND 2-797(2) OF THE CODE OF ORDINANCES, TO CHARLEY TOPPINO & SONS, INC. FOR ADDITIONAL TASKS RELATED TO THE WHITEHEAD AND FRONT STREET IMPROVEMENTS PROJECT, (ITB #21-009); AUTHORIZING NECESSARY BUDGET ADJUSTMENTS AND TRANSFERS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, in Resolution 21-058 the City Commission approved an Interlocal Agreement with Florida Keys Aqueduct Authority to incorporate replacement of a water main during the Whitehead and Front Street project, with costs attributed to FKAA's scope of work to be reimbursed to the City; and

WHEREAS, in Resolution No. 21-113, the City Commission awarded the bid of Charley Toppino & Sons, Inc. in response to ITB #21-009 - Whitehead and Front Street Improvements Project, and in Resolution 22-078, Change Order No. 2 was approved; and

WHEREAS, unforeseen conditions were encountered, and City staff determined that full depth reconstruction is necessary on a

portion of the eastern half of Whitehead Street from Caroline Street to the intersection of Greene Street, and certain storm drainpipe on Front Street required replacement and proper sealing, at additional cost. These changes are not within the scope of FKAA's responsibilities; and

WHEREAS, by commencing work immediately, the best interests of the City and its residents were served, and the contractor was be able to operate while equipment was already staged on-site, to minimize negative impacts on public health, welfare and safety; and

WHEREAS, the requested change order represents more than 5% of the total contract value of the project, and Section 2-845 of the Code of Ordinances requires City Commission approval of any change order in excess of five percent of any public service building or capital improvement project; and

WHEREAS, the City Manager acted without delay, using emergency powers authorized under 2-797(2), best interests, and Section 2-845 of the City's Code of Ordinances, to authorize and procure the necessary change order for additional work to ensure public safety and welfare; and

WHEREAS, Section 2-797(2) of the Code of Ordinances requires the City Commission to ratify such emergency purchases at its next scheduled meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached Emergency Change Order Number 3, signed on April 29, 2022 by the City Manager, for full depth reconstruction, storm drainpipe replacement and adding 8-days of time extension to the Contract for Whitehead and Front Street Project, pursuant to section 2-845 and 2-797(2) of the Code of Ordinances, to Charley Toppino & Sons, Inc., in an amount not to exceed \$239,093.24 is hereby approved (total adjusted project cost \$2,506,598.85).

Section 2: That funding for this emergency change order in the amount of \$239,093.24 will be from account #102-4102-541-6300, Project Number II41022002, for paving improvements in the right-of-way. Any necessary budget transfers and adjustments for this task order are hereby authorized.

Section 3: That the City Manager is authorized to execute any necessary documents for this Emergency Change Order, upon consent of the City Attorney.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Authenticated by the Presiding Officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Filed with the Clerk on \_\_\_\_\_, 2022.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK