

RESOLUTION NO. 21-080

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "FIRST AMENDMENT TO INTERLOCAL AGREEMENT FOR ENGINEERING DESIGN, PERMITTING AND CONSTRUCTION SERVICES FOR DENNIS STREET PUMP STATION (KEY WEST) PROJECT" BETWEEN MONROE COUNTY AND THE CITY OF KEY WEST; AUTHORIZING ANY NECESSARY BUDGET ADJUSTMENTS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, in Resolution 20-050 the City Commission approved an interlocal agreement to share the use and cost of the Dennis Street Stormwater Pump Station to incorporate the County's Bertha Street stormwater collection system, with the County's agreed share of attributable cost share to be 35.9%; and

WHEREAS, the City and County agreed to a change order in an amount not to exceed \$65,748.00 to add a Venetia Street connection which is attributable to the Bertha Street system, and is therefore 100% allocable to the County, along with a new transmission line from Keys Energy in the amount of \$20,521.66, which is 35.9% allocable to the County; and

WHEREAS, the Monroe County Board of County Commissioners approved the First Amendment to Interlocal Agreement at its meeting of March 17, 2021; and

WHEREAS, staff recommends approval of the attached First Amendment to Interlocal Agreement, which sets forth certain amendments to the project, and allocates the costs for the additional tasks; and

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

Section 1: That the attached "First Amendment to Interlocal Agreement for Engineering Design, Permitting and Construction Services for Dennis Street Pump Station (Key West) Project" between Monroe County and the City of Key West is hereby approved.

Section 2: That the City anticipates reimbursement from Monroe County for 35.9% of the cost of the transmission line (\$7,367.00 of the \$20,521.66 cost), and 100% of the change order to Charley Toppino & Sons for Venetia Street connection (up to \$65,748,00), and any necessary budget adjustments are hereby authorized.

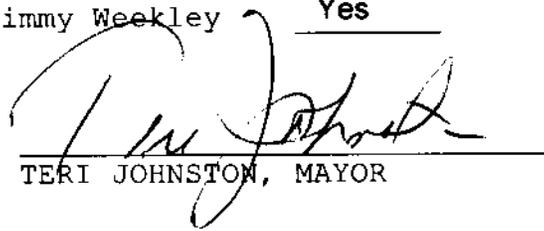
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 4th day of May, 2021.

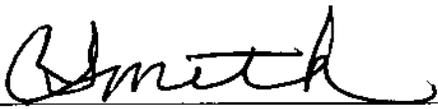
Authenticated by the Presiding Officer and Clerk of the Commission on 5th day of May, 2021.

Filed with the Clerk on May 5, 2021.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
TERI JOHNSTON, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

**1<sup>ST</sup> AMENDMENT TO INTERLOCAL AGREEMENT  
FOR ENGINEERING DESIGN, PERMITTING AND CONSTRUCTION SERVICES  
FOR DENNIS STREET PUMP STATION (KEY WEST) PROJECT**

THIS 1<sup>ST</sup> AMENDMENT TO INTERLOCAL AGREEMENT is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_ 2021, between Monroe County, a political subdivision of the State of Florida, (hereinafter the COUNTY), and the City of Key West, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter the CITY).

**WHEREAS**, 1<sup>st</sup> Street and Bertha Street are COUNTY maintained roads within the municipal limits of the CITY; and

**WHEREAS**, the CITY and the COUNTY entered into an Interlocal Agreement on February 19, 2020 and agreed that the CITY's Dennis Street pump station would be utilized by both entities and it is was in the best interest of both entities to share the cost for the design, construction and maintenance of the pump station; and

**WHEREAS**, the parties have agreed that the COUNTY'S Venetia Street drainage structures will be constructed by the CITY's Contractor for the Dennis Street Pump Station Project; and

**WHEREAS**, the CITY now has estimates for the drainage work on Venetia Street to be performed by the CITY's Contractor and the utility work needed for the Dennis Street Pump Station project which will now be incorporated by this 1<sup>st</sup> Amendment and specifically set forth the amounts to be reimbursed by the COUNTY;

**NOW THEREFORE**, in consideration of the mutual promises and conditions contained herein, the parties further agree as amend the ILA as follows:

1. Paragraph 1 shall be amended to add the following:
  - A. The CITY and the COUNTY agree that the Venetia Street drainage structures scope that was originally designed as part of the COUNTY's 1<sup>st</sup> Street and Bertha Street construction project, will be constructed by the CITY's Dennis Street Pump Station Project contractor (managed by the CITY), and reimbursed by the COUNTY to the CITY at 100% proportionate share, per the scope defined in "Attachment B" in the 100% share amount of \$65,748.00.
  - B. The CITY and the COUNTY agree that the Keys Energy Services (KEYS) costs for electrical power tie in to the pump station should also be shared at the COUNTY's share of 35.9% consistent with the percentage share set forth in the Interlocal Agreement entered into on February 19, 2020. The COUNTY's share of 35.9% of the KEYS' estimate in the amount of \$20,521.66 (See Attachment "C") is \$7,367.00.

- C. The COUNTY will only pay for actual construction pay items and unit costs that are directly applicable to the work defined in "Attachments B and C". The CITY will include copies of all contractor pay applications, evidence of payment to the construction contractor and utility by the CITY, and releases of liens from the contractor and all subcontractors (if applicable).
- 2. The 1<sup>st</sup> Amendment to the ILA will be effective on the date as first written above.
- 3. The ILA dated February 19, 2020, as amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

PUBLIC RECORD  
 MAY -6 PM 2:21  
 CLERK OF CIR. CT.  
 MONROE COUNTY, FL

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: *Michelle Collier*  
Mayor/Chairperson



KEVIN MADOK, Clerk  
*Kevin Madok*  
As Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*Christine Lambert-Barrows*  
CHRISTINE LAMBERT-BARROWS  
ASSISTANT COUNTY ATTORNEY  
DATE 1/26/21

CITY OF KEY WEST, FLORIDA

By: *Tom Johnson*  
Mayor



*Tom Johnson*  
Clerk

- C. The COUNTY will only pay for actual construction pay items and unit costs that are directly applicable to the work defined in "Attachments B and C". The CITY will include copies of all contractor pay applications, evidence of payment to the construction contractor and utility by the CITY, and releases of liens from the contractor and all subcontractors (if applicable).
- 2. The 1<sup>st</sup> Amendment to the ILA will be effective on the date as first written above.
- 3. The ILA dated February 19, 2020, as amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: \_\_\_\_\_  
Mayor/Chairperson

(SEAL)

KEVIN MADOK, Clerk

By: \_\_\_\_\_  
As Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
*Christine Limbert-Barrows*  
CHRISTINE LIMBERT-BARROWS  
ASSISTANT COUNTY ATTORNEY  
DATE: 1/26/21

CITY OF KEY WEST, FLORIDA

By: *Tom Johnson*  
Mayor



*Kevin Smith*  
Clerk

## ATTACHMENT B



## ATTACHMENT C



**UTILITY BOARD OF THE CITY OF KEY WEST**

P.O. BOX 6100  
 KEY WEST FL 33041-6100

<b>DATE</b>	<b>MR #</b>
12/15/20	MR21-23

REMIT TO:  
 SAME AS ABOVE

<b>Bill To:</b>
City of Key West - Toppino's Re-rout Primary & Return to Normal

<b>JOBSITE:</b>
1900 Blk Venetia - Between Dennis & Bertha

DESCRIPTION	QTY	RATE	AMOUNT
Director of Engineering Labor & Transportation (Labor Hours)	1.00	103.13	103.13
Engineering Supervisor Labor & Transportation (Labor Hours)	1.00	65.22	65.22
Autocad Operator Labor & Transportation (Labor Hours)	1.00	50.54	50.54
Eng. Field Rep. Labor & Transportation (Labor Hours)	2.00	50.54	101.07
Line Crew (5-Man ) Labor & Transportation (Labor Hours)	40.00	413.53	16,541.35
Line Leader Labor & Transportation (Labor Hours)	40.00	88.58	3,543.05
<b>SUBTOTAL LABOR &amp; TRANSPORTATION</b>			<b>20,404.36</b>
General Materials (1)	102.00	1.15	117.30
<b>SUBTOTAL KEYS MATERIALS</b>			<b>117.30</b>
<b>TOTAL DUE</b>			<b>\$20,521.66</b>

State Tax Charged to KEYS but Not Paid by Customer: -

Please Note: This cost has been prepared based upon current published tariffs which are subject to change if not paid within 90 days. Additionally, this cost may be recalculated if the customer initiates or causes any changes to the site plans. KEYS will schedule work upon receipt of payment. In the event this cost becomes part of an Agreement between Customer and KEYS, the terms of the Agreement will prevail.



**County Commission Meeting**  
**March 17, 2021**  
**Agenda Item Number: C.2**  
**Agenda Item Summary #7703**

---

**BULK ITEM:** Yes

**DEPARTMENT:** Engineering / Roads

**TIME APPROXIMATE:**  
N/A

**STAFF CONTACT:** Debra London (305) 453-8754

---

**AGENDA ITEM WORDING:** Approval of the 1st Amendment to the Interlocal Agreement with the City of Key West to increase the County's contribution by \$73,115.00 to a total of \$812,874.00. This increase represents the County's 35.9 % proportionate share or \$7,367.00 of the electrical tie in and \$65,748.00 for construction of the drainage system on Venetia Street that will connect the Bertha Street system to the City's pump station.

---

**ITEM BACKGROUND:**

1<sup>st</sup> Street/Bertha Street is a County maintained road in the City of Key West (City). The County is responsible for the roadbed and drainage. The City agreed through an Interlocal Agreement to allow the County to tie into the Dennis Street pump station thereby eliminating the need for the County to design and install a pump station for the 1<sup>st</sup> Street/Bertha Street Roadway and Drainage Improvement Project.

This 1<sup>st</sup> Amendment to the ILA provides for the County to reimburse the City in an estimated amount of \$73,115.00. This amount is comprised per the terms of the ILA, of a 35.9% proportionate share of the costs of the Dennis Street pump station electrical utility tie in by Keys Energy Services. In addition, it was determined to be in the best interest of the County to have the City's current contractor for the Dennis Street pump station construct the drainage structures on Venetia Street at 100% share to be reimbursed to the City by the County.

---

**PREVIOUS RELEVANT BOCC ACTION:**

February 19, 2020 – the BOCC approved an Interlocal Agreement with the City of Key West to contribute proportionate share of 35.9%, or \$739,759, to the design, construction and maintenance of the Dennis Street pump station to handle stormwater flows from Bertha Street.

November 20, 2019 – the BOCC approved Amendment 2 to the EAC Consulting, Inc. design contract added survey work in the amount of \$3,451.55 by the subconsultant Longitude Surveyors required for the Dennis Street pump station tie in. Funding for this was reallocated from the pump station design optional service so there was no net increase to the total contract amount.

May 16, 2018 – The BOCC approved a contract with EAC Consulting, Inc. for Engineering, Design, Permitting and Post Construction Services for the 1<sup>st</sup> Street/Bertha Street (Key West) Roadway Improvement Project in the maximum not to exceed amount of \$451,126.16, including optional services in the amount of \$104,352.35.

---

**CONTRACT/AGREEMENT CHANGES:**

Add Venetia Street and Keys Energy Scope

---

**STAFF RECOMMENDATION:** Approval of 1st Amendment to Interlocal Agreement with the City of Key West for utilization of the Dennis Street Pump Station.

---

**DOCUMENTATION:**

1st Amendment to ILA Dennis Street Pump Station (002) (002)-signed  
02/19/2020 Agreement

---

**FINANCIAL IMPACT:**

The County's 35.9% of the estimated Keys Energy Services tie in is \$7,367.00.

The County's 100% share of the Venetia Street construction costs are \$65,748.00.

02/19/20 304-27000 · TRANSPORTATION PROJECTS KW ILA O&M	\$0.00
02/17/21 304-27000 · TRANSPORTATION PROJECTS KW ILA Construction Toppino	\$65,748.00
02/17/21 304-27000 · TRANSPORTATION PROJECTS KW ILA Construction Keys Energy	\$7,367.00
Total:	\$73,115.00

---

**REVIEWED BY:**

Judith Clarke	Completed	02/26/2021 3:42 PM
Christine Limbert	Completed	02/26/2021 5:16 PM
Purchasing	Completed	03/01/2021 8:13 AM
Budget and Finance	Completed	03/01/2021 11:16 AM
Maria Slavik	Completed	03/02/2021 1:53 PM
Liz Yongue	Completed	03/02/2021 3:56 PM
Board of County Commissioners	Completed	03/17/2021 9:00 AM



THE CITY OF KEY WEST  
Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

M E M O R A N D U M

EXECUTIVE SUMMARY

**Date:** April 2nd, 2021  
**To:** Patti McLauchlin, City Manager  
**From:** John Paul Castro, Director of Utilities

**Subject:** Amendment 1 for the Interlocal Agreement with Monroe County BOCC for the Connection and Use of the City's Dennis St. Stormwater Pump Station

**Action Statement**

Requesting the City Commission approve Amendment 1 of the Interlocal Agreement with Monroe County BOCC for the Connection and Use of the City's Dennis St. Stormwater Pump Station to Add the Venetia St. Connection and Key's Energy Scope

**Background**

On March 4<sup>th</sup>, 2020 the City agreed to an Interlocal Agreement (ILA) with the Monroe County BOCC to share the use and cost of the Dennis St. stormwater pump station for the County's Bertha St. stormwater collection system, resolution 20-050.

The cost share is equal to the attributable use calculated by flow. The county share for the project was agreed to be 35.9%.

**Purpose and Justification**

City and County staff agreed to request a change order from Charley Toppino & Son's, Inc. (CTS) to add the Venetia St. connection from the pump station to the county collection system to minimize disruptions to the neighborhood. The price to connect the system to the station was deemed fair and reasonable by both staff's at \$65,748.00. This portion of the work is for the Bertha St. system and is therefore 100% allocable to the county.

The pump station also required a new transmission line from Key's Energy due to the 3-phase power requirement. The cost for the line totaled \$20,521.66. The county share is 35.9% of the total, or \$7,367.00.

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*

The Monroe County BOCC approved the 1<sup>st</sup> amendment to the ILA at the 3.17.2021 board meeting.

**Financial**

The city stormwater fund will be reimbursed by Monroe County at 35.9% of Keys Energy cost for the power line and 100% of the change order to Charley Toppino & Sons, Inc. for a total of \$73,115.00

**Recommendation**

City staff recommends approving the 1<sup>st</sup> Amendment to the Dennis St. pump station ILA with Monroe County.