

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING EMERGENCY CHANGE ORDER NUMBER 1 APPROVED BY THE CITY MANAGER ON JUNE 8, 2020 IN THE AMOUNT OF \$124,529.33, 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 DUVAL STREET IMPROVEMENTS PROJECT; 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 No. 17-206, the City Commission approved a three-year Right of Way (ROW) contract with Charley Toppino & Sons, Inc., and in Resolution No. 19-054 the contract was extended for an additional year; and

WHEREAS, in Resolution 20-071 the City Commission ratified an emergency procurement for the Duval Street Improvements, including asphalt mill and pave, pavement marking, failed asphalt base repair and ADA curb ramps and driveways from Wall Street to Truman Avenue; and

WHEREAS, it was determined that additional improvements on Greene Street were necessary and cost-effective to perform in conjunction with the Duval Street project; and

WHEREAS, by commencing work immediately, the best interests of the City and its residents are served, as there will be minimal additional impacts to businesses, and the contractor will be able to operate in safer, low-traffic conditions and 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 on Greene Street 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 #1 signed on June 8, 2020 by the City Manager, to add certain Greene Street improvements to the Task Order for Duval Street Improvements, 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 \$124,529.33 is hereby approved (total adjusted project cost \$1,048,669.66).

Section 2: That funding for this project will be from account # 102-4102-541-6300, Project Number II41022002-Paving. 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 Task 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 \_\_\_\_\_, 2020.

Authenticated by the Presiding Officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Filed with the Clerk on \_\_\_\_\_, 2020.

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