



MEMORANDUM

Date: October 10, 2024

To: Community Redevelopment Agency

Via: Todd Stoughton, Interim City Manager

From: Karen Olson, Director Port & Marine Services

Subject: 24-6342 Ratify Emergency Procurement Award to D.L. Porter Constructors, Inc

Introduction

Resolution approving the ratification of the Emergency Procurement and any necessary budget transfer for the contract awarded, to D.L. Porter Constructors, Inc., for ITB #24-013 Ferry Terminal Renovation, Base Bid and Alternate Bids #1, #2, #3, and #5 in the amount of \$2,391,954 pursuant to Sec. 2-797 of the City of Key West Code of Ordinances executed by the City Manager on August 29, 2024.

Background

The Key West Bight Ferry Terminal sees over 140,000 passengers per year and is a valuable revenue source for the City. The Ferry Terminal was completed in 2003 and needs significant upgrades to continue servicing the ferries and passengers that utilize the facility.

The project includes exterior paint, new doors and windows, new roofing, and new elevator and equipment. This project is funded in part with \$5,018,855 in funding from Coronavirus State and Local Fiscal Recovery Funds of the American Rescue Plan Act (ARPA) grant of 2021 from the U.S. Department of Treasury to be administered by the State of Florida Department of Transportation (FDOT). This grant agreement was approved through Resolution #22-069.

ARPA funding awarded to the City of Key West must be spent by December 31, 2024, per the grant agreement. Following a site visit from FDOT in February 2024, FDOT began a series of meetings to check on the City's progress on expending the ARPA funds to address concern that funds were not being spent fast enough to meet the December 31 deadline. While the City has done a satisfactory job throughout the progress meetings, a significant portion of the funding remains. With FDOT's approval, ITB #24-013 was advertised for the duration of time required by federal and state regulations resulting in essentially no time for the City to move forward with the project and expend the ARPA funds unless Emergency Procurement procedures are approved.

Given the progress to date, \$2,474,958.91 reimbursed and an additional \$175,000.00 to be submitted for reimbursement by the end of August (approximately 53% of funds), FDOT has prepared the necessary documents to terminate the grant agreement and de-obligate the remaining funds (\$2,368,896.09). To prevent this from occurring or, at a minimum, reduce the amount to be de-obligated to the fullest extent possible, Emergency Procurement procedures are needed to avoid loss of funding.

The City of Key West advertised ITB #24-013: Ferry Terminal Renovation in September 2023 seeking bids from qualified individuals or firms for Ferry Terminal Renovations at the Key West Historic Seaport. Four (4) responses were received on September 26, 2024, as follows:

ITB #24-013: FERRY TERMINAL RENOVATION				
	D.L. PORTER	MARINO	PEDRO FALCON	SEA TECH
Line Item	Extended Cost	Extended Cost	Extended Cost	Extended Cost
Mobilization/Demobilization	\$148,045.00	\$125,761.00	\$155,945.00	\$107,380.00
Payment/Performance Bonds	\$22,913.00	\$14,110.00	\$23,844.00	\$56,000.00
Permit Fees (at cost)	\$85,000.00	\$85,000.00	\$85,000.00	\$85,000.00
Demolition	\$75,926.00	\$66,676.00	\$173,252.00	\$107,255.00
Exterior Paint	\$267,826.00	\$68,128.00	\$169,493.00	\$70,025.00
Aluminum Storefront Windows	\$448,848.00	\$326,021.00	\$792,980.00	\$626,975.00
Aluminum Exterior Doors (pair)	\$53,900.00	\$45,792.00	\$40,000.00	\$91,310.00
Galv. Metal Exterior Doors	\$22,769.00	\$6,180.00	\$14,427.00	\$12,120.00
Standing Seam Roof	\$513,679.00	\$268,431.00	\$320,340.00	\$554,745.00
Membrane Roofing	\$93,952.00	\$68,922.00	\$80,819.00	\$116,395.00
Elevator and Equipment	\$139,236.00	\$243,706.00	\$270,926.00	\$246,245.00
Aluminum Exterior Louvers	\$35,012.00	\$17,770.00	\$19,624.00	\$24,930.00
Equip Room Ductless A/C	\$29,203.00	\$18,476.00	\$22,311.00	\$20,975.00
Allowance	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00
TOTAL BASE BID	\$2,136,309.00	\$1,554,973.00	\$2,368,961.00	\$2,319,355.00
ALTERNATE PRICING				
1. Add Lightning Protection Sys	\$47,336.00	\$25,000.00	\$60,780.00	\$58,665.00
2. Add Secondary Waterproofing	\$6,017.00	\$11,250.00	\$14,026.00	\$23,815.00
3. Upgrade to Alum Standing Seam	\$55,516.00	\$274,300.00	\$449,881.00	\$7,415.00
4. Add Re-Roof Boardwalk (steel)	\$153,037.00	\$46,200.00	\$67,416.00	\$225,065.00
5. Add Re-Roof Boardwalk (alum)	\$146,776.00	\$57,200.00	\$88,339.00	\$227,705.00
BASE BID + ALT. BIDS 1, 2, 3 & 5	\$2,391,954.00	\$1,922,723.00	\$2,981,987.00	\$2,636,955.00

All bids were reviewed by Seaport Staff and the lowest bidder, Marino Construction Group, has been deemed non-responsive for providing a non-compliant roofing finish and specifying manufactures for elevator/ equipment and aluminum storefront that were not approved. D.L. Porter Constructors, Inc, was determined to be the lowest responsive bidder after waiving a minor formality of failing to confirm receipt of Addendum #3 with their bid package. D.L. Porter Constructors, Inc, subsequently confirmed a clerical error and receipt of addendum #3.

The Key West Bight Management District Board approved this item at their September 11, 2024, meeting through Resolution KWB #24-20.

Procurement

The City of Key West will lose up to \$2,368,896 if we cannot spend down the grant funds by the end of December 2024. Funds are available in account 405-7506-575-6300 (KB75062201).

Recommendation

The City Manager's Office and the Key West Bight Management District Board recommends the Community Redevelopment Agency ratify the Emergency Procurement and any necessary budget transfer for the contract awarded, to D.L. Porter Constructors, Inc., for ITB #24-013 Ferry Terminal Renovation, Base Bid and Alternate Bids #1, #2, #3, and #5 in the amount of \$2,391,954 pursuant to Sec. 2-797 of the City of Key West Code of Ordinances executed by the City Manager on August 29, 2024.