

RESOLUTION NO. 20-070

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST (CITY) RATIFYING AN EMERGENCY CHANGE ORDER APPROVAL APPROVED BY THE CITY MANAGER ON APRIL 14, 2020, AS PROVIDED FOR UNDER SECTION 2-797(2) AND 2-845 OF THE CODE OF ORDINANCES, AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$94,299.63 FOR ADDITIONAL WORK REQUIRED FOR DEMOLITION/RECONSTRUCTION OF BUILDING 1287, UNDER THE CONTRACT AWARDED TO CHARLEY TOPPINO AND SONS, INC. FOR TRUMAN WATERFRONT PARK PHASE 1B; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS IN SUBSTANTIAL CONFORMANCE WITH CHANGE ORDER UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; AUTHORIZING ANY NECESSARY BUDGET TRANSFERS AND AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 19-296 a contract was awarded to Charley Toppino and Sons, Inc. for Truman Waterfront Park Phase 1B, in response to ITB #19-026; and

WHEREAS, additional work is necessary related to demolition and reconstruction of building 1287; and

WHEREAS, in response to the COVID-19 threat, the City declared a State of Local Emergency on March 15, 2020 in accordance with F.S. 252.38 and CKW Resolution 2007-182. The City most recently extended the State of Local Emergency 2020-05; and

WHEREAS, the March 23 Commission meeting was cancelled, and future meeting dates became unclear due to the Covid-19 State of Emergency, so to prevent construction delays and accompanying cost increases, City staff recommended the City Manager approve an Emergency Procurement to authorize the necessary Change Order; and

WHEREAS, the City Manager acted without delay, using emergency powers authorized under Section 2-797(2) and 2-845 of the City's Code of Ordinances, to authorize and procure the necessary change order to continue demolition/construction on the Truman Waterfront Phase B project, and protect public welfare; and

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

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

Section 1: That the attached Emergency Change Order signed by the City Manager on April 14, 2020, as provided for under Section 2-797(2) and 2-845 of the Code of Ordinances, in the amount of \$94,299.63 for additional work required for demolition and reconstruction of Building 1287, under the contract awarded to Charley Toppino and Sons, Inc. in Resolution 19-296, is hereby ratified.

Section 2: That funds for the project shall be allocated in account #101-4303-543-6300 Project #IS43031801. Any necessary budget transfers or amendments are hereby authorized.

Section 3: That the City Manager is authorized to execute documents related to this Change Order, upon the advice and consent of the City Attorney.

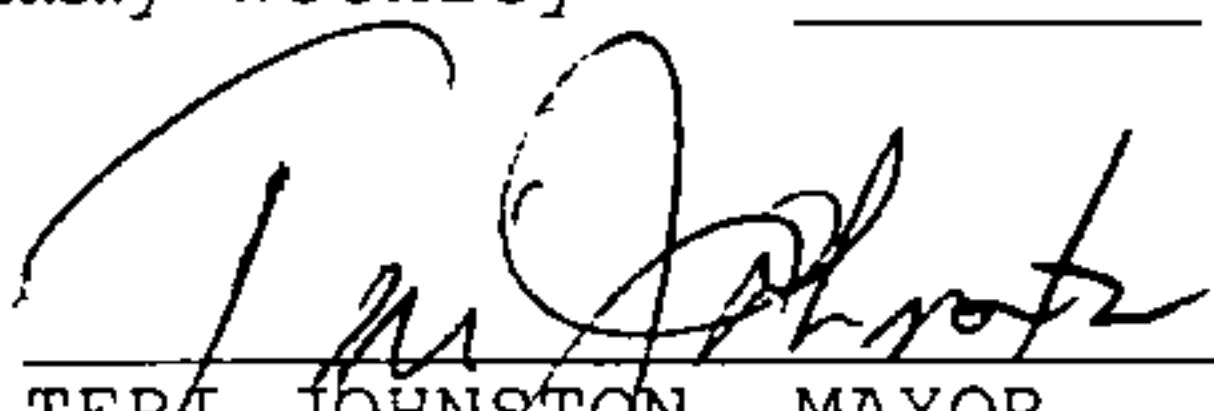
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 21st day of April, 2020.

Authenticated by the Presiding Officer and Clerk of the Commission on 22nd day of April, 2020.

Filed with the Clerk on April 22nd, 2020.

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



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THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

EXECUTIVE SUMMARY

Date: April 13, 2020
To: Gregory Veliz, City Manager
From: Albiona Balliu, Sr. Project Manager
CC: Patti McLauchlin, Assistant City Manager
Mark Finigan, Finance Director
Steve McAlearney, Director of Engineering
Subject: Truman Waterfront Phase 1B – NTP 1

Action Statement

Ratify the purchasing exemption under Sec. 2-797 (2) Emergency Exemption, for a work order in the amount of \$94,299.63 to Charley Toppino & Sons Inc. (CTS) for unforeseen circumstances during selective demolition at the Truman Waterfront Phase 1B - NTP 1 project.

Background

CTS, was awarded the contract (Res. 19-296), for construction of Truman Waterfront PH IB at the former PAL gym building and perform selective demo under Notice to Proceed 1. During the selective demolition of the former PAL building, the contractor discovered interior walls scheduled to remain needed to be demolished and reconstructed.

CTS examined existing perimeter foundations and the project engineer directed CTS to reform several foundations, including columns that were not included in the original contract.

- Approval of this change order provided critical time for the completion of necessary pre-construction site-work.
- Construction will now be able to continue without delays.
- The Change Order rates match the contract and the scope and effort have been deemed reasonable.

Purpose and Justification

In response to the COVID-19 threat, the City declared State of Local Emergency on March 15, 2020 in accordance with F.S. 252.38 and CKW Resolution 2007-182. On subsequent weeks, the City continued the State of Emergency. The State of Emergency led to cancellation of the March 23 City Commission meeting and uncertainty as to the date of the next Commission meeting. Due to these extraordinary circumstances, Emergency Procurement for this contract was invoked.

This project supports the Key West Strategic Plan, Infrastructure goals #4 *Long term sustainability of the City's hard assets*, and #5 *All of the City's destinations and resources are accessible to residents and visitors*.

Financial

Funds for this project will be used from account #101-4303-543-6300, project number IS43031801. Upon approval, a change order was issued to CTS for Truman Waterfront Phase IB project in the amount of \$94,299.63.

Recommendation

Staff recommends City Commission ratify the Emergency Exemption procedures of Sec. 2-797 to approve the change order for Truman Waterfront Phase IB - NTP 1 project to Charley Toppino & Sons Inc. in the amount of \$94,299.63.



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

PURCHASING EXEMPTION

Date: April 13, 2020
To: Gregory Veliz, City Manager
From: Albiona Balliu, Sr. Project Manager
CC: Patti McLauchlin, Assistant City Manager
Mark Finigan, Finance Director
Steve McAlearney, Director of Engineering
Subject: Truman Waterfront Phase 1B – NTP 1

Action Statement

Approve purchasing exemption under Sec. 2-797 (2) Emergency Procurement, for change order in the amount of \$94,299.63 to Charley Toppino & Sons Inc. (CTS) for unforeseen circumstances during selective demolition at the Truman Waterfront Phase 1B - NTP 1 project.

Background

CTS, was awarded the contract (Res. 19-296), for construction of Truman Waterfront PH IB at the former PAL gym building and perform selective demo under Notice to Proceed 1. During the selective demolition of the former PAL building, the contractor discovered interior walls scheduled to remain needed to be demolished and reconstructed. CTS examined existing perimeter foundations and the project engineer directed CTS to reform several foundations, including columns that were not included in the original contract.

- Approval of this change order provided critical time for the completion of necessary pre-construction site-work.
- Construction will now be able to continue without delays.
- The Change Order rates match the contract and the scope and effort have been deemed reasonable.

Purpose and Justification

In response to the COVID-19 threat, the City declared State of Local Emergency on March 15, 2020 in accordance with F.S. 252.38 and CKW Resolution 2007-182. On subsequent weeks, the City continued the State of Emergency. The State of Emergency led to cancellation of the March 23 City Commission meeting and uncertainty as to the date of the next Commission meeting. Due to these extraordinary circumstances, Emergency Procurement for this change order is warranted. This Emergency Procurement will be ratified by the City Commission at the next available meeting.

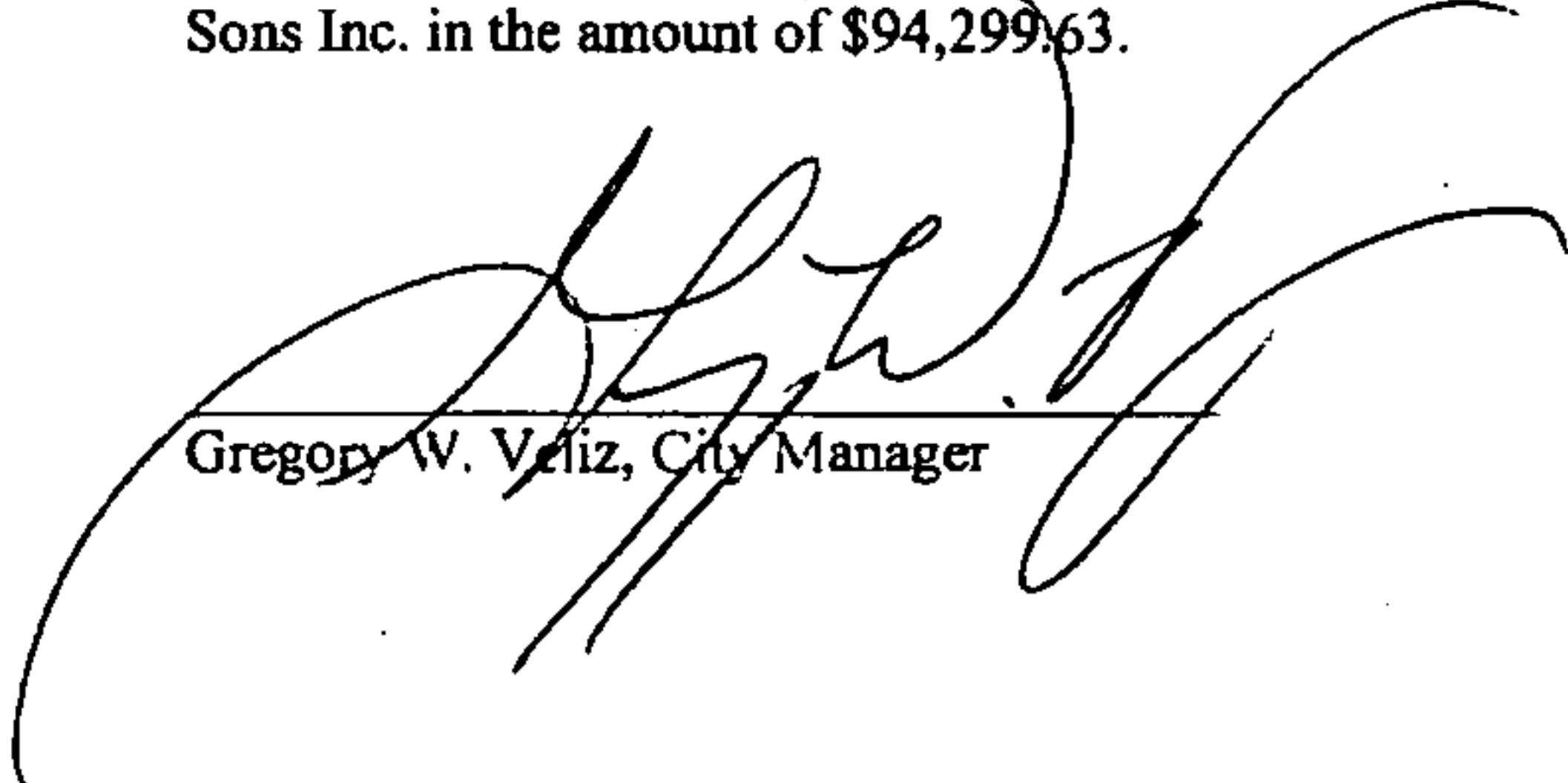
This project supports the Key West Strategic Plan, Infrastructure goals #4 *Long term sustainability of the City's hard assets*, and #5 *All of the City's destinations and resources are accessible to residents and visitors*.

Financial

Funds for this project will be used from account # 101-4303-543-6300, project number IS43031801. Upon approval, a change order will be issued to CTS for Truman Waterfront Phase 1B of the project in the amount of \$94,299.63.

Recommendation

Staff recommends City Manager utilize Emergency Procurement procedures of Sec. 2-797 (2) to approve change order for Truman Waterfront Phase 1B - NTP 1 project to Charley Toppino & Sons Inc. in the amount of \$94,299.63.



Gregory W. Veliz, City Manager

4/14/20

Date



THE CITY OF KEY WEST
 Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3883

CHANGE ORDER

CHANGE ORDER NO. 3

CHANGE ORDER DESCRIPTION After complete demo of the building, additional interior and exterior walls needed to be demo and rebuild, including roof repairs.

PROJECT NAME: Truman Waterfront Park Phase 1B

PROJECT CODE: IS43031801

CONTRACTOR NAME: Charley Toppino & Sons Inc

THE FOLLOWING MODIFICATIONS TO THE CONTRACT ARE HEREBY ORDERED:
 (Detail provided on additional page(s). Yes or No)

<u>CONTRACT VALUE</u>		<u>CONTRACT TIME (CALENDAR DAYS)</u>	
ORIGINAL CONTRACT	\$ <u>1,780,935.00</u>	ORIGINAL CONTRACT	<u>0</u> DAYS
PREVIOUS CHANGE ORDERS	\$ <u>39,701.11</u>	PREVIOUS CHANGE ORDERS	<u>0</u> DAYS
THIS CHANGE ORDER	\$ <u>94,299.63</u>	THIS CHANGE ORDER	<u>0</u> DAYS
REVISED CONTRACT VALUE	\$ <u>1,914,935.74</u>	REVISED CONTRACT TIME	<u>0</u> DAYS

REVISED CONTRACT COMPLETION DATE: N/A

By: [Signature]
 City of Key West

 Authorized Signature
 Gregory Veliz

 Printed Name
 City Manager

 Title
4/14/20

 Date

By: [Signature]
 Charley Toppino & Sons

 Contractor Name
[Signature]

 Authorized Signature
 Richard Toppino

 Printed Name
 President

 Title
4/9/20

 Date

CTS Change Order # 3		
WCD 3	Roof Repair	\$7,777.50
WCD 4	Stucco Removal	\$2,988.60
WCD 5	Coating Removal	\$3,380.28
WCD 6	Removal/Replacemtn of partition Blocks	\$11,035.44
WCD 7	Demolish / Dispose UG Structure	\$5,018.40
WCD 8	Sawcut / Demo Parapet	\$9,150.42
WCD 9	Removal of Existing Sidewalk Coatings	\$1,315.80
WCD 10	Added Footings Along Building Edge	\$17,892.53
WCD11	Credits for Existing Columns and Mezzanine	\$20,447.00
WCD12	Repair Wall	\$21,665.31
WCD13	Repair Existing Stucco on Coin Detail	\$2,681.48
WCD14	L&M for 5 New Coins on W Exterior	\$4,498.46
WCD15	L&M to Build Parapet on N Side of Building	\$4,404.62
WCD16	Additional Stucco where Partition Block was Removed	\$3,694.95
WCD17	Exhaust Fan for Mezzanine Storage	\$7,168.89
WCD18	Build Header for Two Existing Openings on S Exterior	\$2,281.74
WCD19	Fill Plumbing Trenches/Existing Trenches not on Plan	\$3,951.84
WCD20	Bracing for Trusses per Meridian Engineering	\$5,840.37
	Total	\$94,299.63



Work Change Directive Proposal Truman Waterfront Park Phase 1B ITB 19-026 P.O. #	DATE: <u>1/22/20</u>
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Location: <u>Truman Waterfront Park, Key West FL 33040</u> Scope: <u>Coating Removal @ Interior Wall + Paint</u>	ITEMIZED QUANTITIES WCD <u>5</u>
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Item	Description	Quantity	Units	Cost per Unit	Line Item Cost	Notes
	Remove Coating from Interior Wall <i>*estimated 4 days with 1 laborer, plus cleanup, hammer rental</i>	1.0	LS	\$ 2,230.00	\$ 2,230.00	
	Primer/Prep Wall <i>*estimated 2 day with skilled laborer</i>	1.0	LS	\$ 1,084.00	\$ 1,084.00	
	Subtotal				\$ 3,314.00	
	Performance/Payment Bonds (\$20.00/Thousand)	1.0	LS	\$20.00/Thousand	\$ 68.28	
	Mobilization/Demobilization	1.0	LS	5% of Total	\$ -	
	Total				\$ 3,380.28	
	Notes:					
	Prepared by: <i>Andrew Toppino</i>					
	Estimator					
	Charley Toppino & Sons, Inc.					WCD 1
	Date: 1/22/20					Sheet 1 of 1



Work Change Directive Proposal Truman Waterfront Park Phase 1B ITB 19-026 P.O. #	DATE: <u>1/22/20</u>
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Location: <u>Truman Waterfront Park, Key West FL 33040</u> Scope: <u>Removal/Replacement of Partition Blocks</u>	ITEMIZED QUANTITIES WCD <u>6</u>
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Item	Description	Quantity	Units	Cost per Unit	Line Item Cost	Notes
	Demolition/Removal of Partition Blocks <i>*estimated 306.75 SF of demo</i>	1.0	LS	\$ 3,227.00	\$ 3,227.00	
	Partition Block Infill <i>*estimated 306.75 sf of prime/paint</i>	306.8	SF	\$ 24.75	\$ 7,582.06	
	Subtotal				\$ 10,819.06	
	Performance/Payment Bonds (\$20.00/Thousand)	1.0	LS	\$20.00/Thousand	\$ 216.38	
	Mobilization/Demobilization	1.0	LS	5% of Total	\$ -	
	Total				\$ 11,035.44	
	Notes:					
	Prepared by: <i>Andrew Toppino</i>					
	Estimator					
	Charley Toppino & Sons, Inc.					
					WCD	1
					Sheet	1 of 1
	Date: 1/22/20					



Work Change Directive Proposal DATE: 2/11/20
Truman Waterfront Park Phase 1B
 ITB 19-026
 P.O. #

Location: Truman Waterfront Park, Key West FL 33040 **ITEMIZED QUANTITIES**
Scope: Added Footings Along Building Edge (per Meridian Engineering) **WCD** 10

Item	Description	Quantity	Units	Cost per Unit	Line Item Cost	Notes
1	Additional Footings Along Building Edge **Plans dated 1/22/20 **Also covers column spalling repairs	1.0	LS	\$ 17,541.70	\$ 17,541.70	
Subtotal					\$ 17,541.70	
2	Performance/Payment Bonds (\$20.00/Thousand)	1.0	LS	\$20.00/Thousand	\$ 350.83	
3	Mobilization/Demobilization	1.0	LS	5% of Total	\$ -	
Total					\$ 17,892.53	
Notes:						
Prepared by: <i>Andrew Toppino</i>						
Estimator						
Charley Toppino & Sons, Inc.						
					WCD	
					Sheet	1 of 1
Date: 2/11/20						

