

RESOLUTION NO. 17-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A 180-DAY EXTENSION TO FLORIDA KEYS ELECTRIC FOR THE CONTRACT AWARDED IN RESOLUTION #16-144, FOR WAHOO AND KINGFISH PIERS ELECTRICAL UPGRADES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 16-144, the City Commission awarded the bid of Florida Keys Electric (FKE) for electrical upgrades at Wahoo and Kingfish Pier at City Marina (Project GB1303); and

WHEREAS, during the course of construction, it was determined that existing electrical infrastructure was not adequate to support the electrical upgrades, and that it was necessary for Keys Energy Services (KES) to upgrade the existing infrastructure to support the intended improvements; and

WHEREAS, in Resolution NO. 16-364, the City Commission ratified an emergency procurement for KES to expedite installation of two new 3-phase transformers with scheduled completion by the end of January, 2017; and

WHEREAS, the infrastructure upgrades by KES will delay the completion date of the electrical upgrades by FKE; and

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

Section 1: That a contract extension of 180 days is hereby approved for the contract with Florida Keys Electric, approved in Resolution No. 16-144.

Section 2: 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 January, 2017.

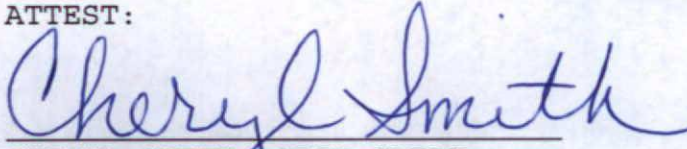
Authenticated by the Presiding Officer and Clerk of the Commission on 5th day of January, 2017.

Filed with the Clerk on January 5, 2017.

Mayor Craig Cates	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Absent</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

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

## EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager  
**FROM:** Karen Olson, Deputy Director of Port and Marine Services  
**CC:** Greg Veliz, Assistant City Manager  
**DATE:** December 6, 2016  
**RE:** Extending the contract days for Wahoo and Kingfish Piers Electrical Upgrades

### ACTION STATEMENT

Resolution authorizing a one hundred-eighty (180) day extension to the contract with Florida Keys Electric, Inc. for Wahoo & Kingfish Piers Electrical Upgrades. The original contract time was 185 days for design/build with a contract completion date of November 13, 2016. The proposed contract completion date is May 12, 2017.

### BACKGROUND

The electrical systems located on both Wahoo and Kingfish Pier at City Marina at Garrison Bight are in poor condition due to age and exposure to the marine environment. This project consists of upgrades to accommodate power requirements for larger vessels at these piers. The project requires the contractor to prepare a complete set of design/ permit drawings stamped by the Contractor's Engineer of Record. Additionally the contractor must coordinate with Keys Energy Service (KES) as necessary to provide metered electrical service to the proposed installations.

Resolution #16-144 awarded the design/build project to Florida Keys Electric, Inc. (FKE).

### PURPOSE & JUSTIFICATION

Staffs initial coordination with (KES), prior to award, indicated the existing infrastructure was adequate to support the proposed electrical upgrades. During design staff and the contractor again coordinated with KES at which time it was determined that the existing infrastructure would not support the intended improvements. This determination has stalled design and the project until infrastructure upgrades can be made.

*Key to the Caribbean - Average yearly temperature 77° F.*

RESOLUTION 3061203K3

An Emergency Declaration to expedite the installation of two new 3-phase transformers by KES was approved by the City Manager and ratified through Resolution #16-364. KES is not scheduled to complete this work until the end of January 2017.

FKE has requested one hundred-eighty (180) day time extension, letter dated November 22, 2016, to allow time for KES to upgrade the existing infrastructure. Once the KES upgrades are complete FKE will follow and complete the electrical upgrades to both piers.

**FINANCIAL IMPACT**

There are no financial impacts associated with this time extension.

**RECOMMENDATION**

Staff recommends authorizing a one hundred-eighty (180) day extension to the contract with Florida Keys Electric, Inc. for Wahoo & Kingfish Piers Electrical Upgrades.

*Florida Keys*  
**ELECTRIC INC.**

November 22, 2016

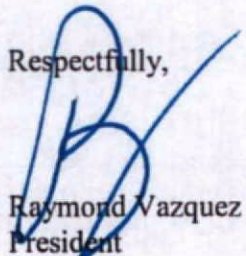
Doug Bradshaw  
Director Port and Marine Services  
City of Key West  
201 William Street  
Key West, FL 33040

Dear Doug,

Please accept this letter as the Florida Keys Electric (FKE) request for a time extension to complete our work under ITB #005-16 Wahoo and Kingfish Piers Electrical Upgrades GB1303 Key West Florida.

FKE is requesting an extension of **180 days** added to the current contractual completion date of November 13<sup>th</sup>, 2016 to allow for the Keys Energy transformer(s) rework to be completed at both piers.

Respectfully,



Raymond Vazquez  
President

CC: Terrence Justice  
Karen Olson  
Tammy Torres  
Tony Baste  
Job File

## CONTRACT

This Contract, made and entered into this 12th day of 2016, by and between the City of Key West, hereinafter called the "Owner", and Florida Keys Electric, Inc., hereinafter called the "Contractor";

WITNESSETH:

The Contractor, in consideration of the sum to be paid him by the Owner and of the covenants and agreements herein contained, hereby agrees at his own proper cost and expense to do all the work and furnish all the materials, tools, labor, and all appliances, machinery, and appurtenances for ITB #005-16 WAHOO & KINGFISH PIERS ELECTRICAL UPGRADES GB1303, Key West, Florida to the extent of the Bid made by the Contractor, dated the 23<sup>rd</sup> day of February 2016, all in full compliance with the Contract Documents referred to herein.

The CONTRACT DOCUMENTS, including the signed copy of the BID, CONTRACT FORMS, PERFORMANCE & PAYMENT BONDS AND SCOPE OF WORK.

In consideration of the performance of the work as set forth in these Contract Documents, the Owner agrees to pay to the Contractor the amount bid in the Proposal as adjusted in accordance with the Contract Documents, or as otherwise herein provided, and to make such payments in the manner and at the times provided in the Contract Documents.

The Contractor agrees to complete the work within one hundred and eighty (180) days and to accept as full payment hereunder the amounts computed as determined by the Contract Documents and based on the said BID.

The Contractor agrees to remedy all defects appearing in the work or developing in the materials furnished and the workmanship performed under this Contract during the warranty period after the date of final acceptance of the work by the Owner, and further agrees to indemnify and save the Owner harmless from any costs encountered in remedying such defects.

It is agreed that the Contract, based upon the BID, shall be fully complete within the stated number of consecutive calendar days from the date the Notice to Proceed is issued.

In the event the Contractor fails to complete the work within the time limit or extended time limit agreed upon, as more particularly set forth in the Contract Documents, liquidated damages shall be paid at a rate of \$750.00 per day. Sundays and legal holidays shall be included in determining days in default.

This contract will automatically expire upon completion of the project. Contractor's warranty obligations remain in effect.

IN WITNESS WHEREOF, we, the parties hereto, each herewith subscribe the same this

13<sup>th</sup> day of May, A.D., 2016.

**CITY OF KEY WEST**

Signature: J.K. Scholl

Printed: J.K. SCHOLL

Title: CITY MANAGER

**FLORIDA KEYS ELECTRIC, INC.**

Signature: [Signature]

Printed: Raymond Vazquez

Title: President

Approved as to Form [Signature]

Attorney for Owner

RESOLUTION NO. 16-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDING THE BID OF FLORIDA KEYS ELECTRIC, INC. IN RESPONSE TO INVITATION TO BID (ITB) #005-16 FOR KINGFISH AND WAHOO PIERS ELECTRICAL UPGRADES AT THE CITY MARINA AT GARRISON BIGHT IN THE TOTAL AMOUNT OF \$567,890.00; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on February 25, 2016, two responsive bids were opened in response to ITB #005-16, with the lowest bid submitted by Florida Keys Electric, Inc.; and

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

Section 1: That the bid of Florida Keys Electric, Inc. in Response to ITB #005-16 is hereby awarded in the total amount of \$567,890.00 (\$542,890.00, plus an allowance of \$25,000.00 for permitting and utility coordination) for Kingfish and Wahoo Piers Electrical Upgrades.

Section 2: That funds for this project are budgeted in account 413-7551-575-6300.



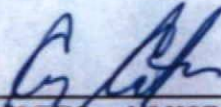
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 3rd day of May, 2016.

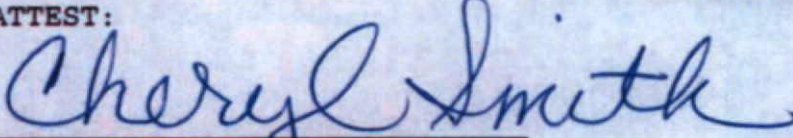
Authenticated by the Presiding Officer and Clerk of the Commission on 4th day of May, 2016.

Filed with the Clerk on May 4, 2016.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Clayton Lopez	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
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CRAIG CATES, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK

RESOLUTION NO. 16-364

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AN EMERGENCY PROCUREMENT APPROVED BY THE CITY MANAGER IN EXCESS OF \$20,000 AS ALLOWED UNDER SECTION 2-797(2) OF CITY'S CODE OF ORDINANCES, FOR THE PROCUREMENT OF ELECTRICAL SYSTEM INFRASTRUCTURE UPGRADES FOR WAHOO AND KINGFISH PIERS AT CITY MARINA AT GARRISON BIGHT TO KEYS ENERGY SERVICES (PROJECT GB1303) IN AN AMOUNT NOT TO EXCEED \$45,142.00; AUTHORIZING ANY NECESSARY BUDGET ADJUSTMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 16-144, the City Commission awarded the bid of Florida Keys Electric (FKE) for electrical upgrades at Wahoo and Kingfish Pier at City Marina (Project GB1303); and

WHEREAS, during the course of construction, it was determined that existing electrical infrastructure was not adequate to support the electrical upgrades, and that it was necessary for Keys Energy Services (KES) to upgrade the existing infrastructure to support the intended improvements; and

WHEREAS, the City Manager acted without delay, using emergency powers authorized under Section 2-797(2) of the City's Code of Ordinances, to authorize an emergency procurement in the

amount of \$45,142.00 to expedite the infrastructure repairs and upgrades by KES; 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; and

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

Section 1: The City Commission, in accordance with Section 2-797(2) of the City of Key West Code of Ordinances, hereby ratifies an emergency procurement in the total amount of \$45,142.00 to Keys Energy Services for electrical infrastructure upgrades at Kingfish (\$26,331.00) and Wahoo (\$18,811.00) piers at City Marina at Garrison Bight.

Section 2: That funding for this expenditure is from the Garrison Bight Infrastructure Fund.

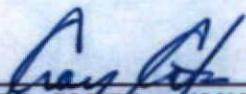
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held  
this 6th day of December, 2016.

Authenticated by the Presiding Officer and Clerk of the  
Commission on 7th day of December, 2016.

Filed with the Clerk on December 7, 2016.

Mayor Craig Cates	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
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CRAIG CATES, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK