

RESOLUTION NO. 21-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST (CITY) APPROVING CHANGE ORDER #4 IN THE AMOUNT OF \$81,286.35 FOR ADDITIONAL UNFORESEEN CONDITIONS, UNDER THE CONTRACT AWARDED TO CHARLEY TOPPINO AND SONS, INC. FOR TRUMAN WATERFRONT PARK PHASE 1B; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS 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 in Resolution 20-070 Change Order #3 was approved; and

WHEREAS, additional unforeseen conditions were encountered subsequent to Change Order #3, including but not limited to additions, removal and adjustments to fencing at several locations, placement of new insulation on the roof at the former PAL Building, procurement and installation of pull boxes and conduit to move communications lines underground, placement of a new streetlight pole, curbing around the perimeter of the artificial turf portion of the project, removal of buried concrete and sidewalk design changes, revisions to the irrigation system and changes to mechanical system in the warehouse area; and

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

Section 1: That the attached Change Order No. 4 in the amount of \$81,286.35 for additional work required for unforeseen conditions, under the contract awarded to Charley Toppino and Sons, Inc. in Resolution 19-296, is hereby approved.

Section 2: That funds for the project are allocated in account #101-4303-543-6300, Project #IS43041801. Any necessary budget transfers or amendments are hereby authorized.

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

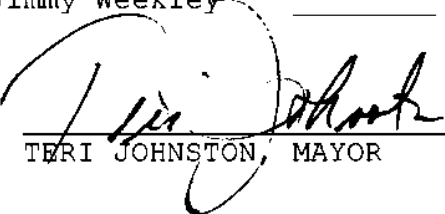
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 19th day of May, 2021.

Authenticated by the Presiding Officer and Clerk of the Commission on 20th day of May, 2021.

Filed with the Clerk on May 20, 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



THE CITY OF KEY WEST

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

EXECUTIVE SUMMARY

Date: May 7, 2021

To: Patti McLauchlin, Interim City Manager

From: Albiona Balliu, Sr. Project Manager
Mark Finigan, Finance Director
Steve McAlearney, Director of Engineering

Subject: **Approve Change Order #4 for the construction of the Phase IB of the Truman Waterfront Park.**

ACTION STATEMENT

Approve change order in the amount of \$81,286.35 for the Truman Waterfront Park Phase IB to Charley Toppino and Sons Inc., (CTS) and authorize the Interim City Manager to execute necessary documents

BACKGROUND

Resolution 19-296 accepted the proposal of Charley Toppino and Sons Inc., (CTS) for construction of the Truman Waterfront Park (TWP) Phase 1B in the amount of \$4,765,712.00. The project contract documents and bid award for Notice to Proceed (NTP) 1 for the construction of the building and NTP 2 for the construction of the site work. The first two change orders did not require Commission Approval since change order number one totaled \$9,325.35 and change order number two totaled \$30,375.76 and were under \$50,000.00 threshold. Resolution 20-070 approved change order number and making the total change totaling \$94,299.63. Subsequent to this resolution, additional unforeseen conditions were encountered, field directives and value engineering changes were required as described below.

CTS Contract Amount:	\$4,765,712.00
Total Change Orders (1,2,3 &4):	\$ 215,287.09 (4.52% of construction)
New CTS Contract Amount:	\$4,980,999.09

Unforeseen Conditions:

- Per Field Directive Change (FCD) Item 2, CTS placed new insulation on the roof at the former PAL gym building. The main roof was being replaced as called for in the construction drawings and the failing condition of the insulation required it to be replaced. (\$29,589.50 add)
- Per FCD Item 5, CTS was directed to install additional fencing and gates for the artificial turf field. In the original grass field design only two sides were to be fenced, as the field area was designed to be used for overflow parking. There will be no parking on the artificial turf, requiring fencing the entire field. (\$40,228.00 add)

- Per FCD Item 6, CTS was directed to procure and install pull boxes and conduit required by AT&T to move their communication lines underground. AT&T infrastructure was in the playing field area. (\$2,500.00 add).
- Per FCD Item 7, CTS was directed to order a new streetlight pole to match existing TWP lighting and install servicing conduit. New pole replaces a wooden Navy pole that they removed at their expense. (\$22,394.00 add)
- Per FCD Item 8, CTS was directed to install curbing around the perimeter of the entire artificial turf portion of the project. Original grass design did not require curbing to separate and install artificial turf field from landscaping. (\$12,250.00 add)
- Per FCD Item 10, during installation of the concrete sidewalk, CTS encountered buried concrete curbing that needed to be removed. (\$750.00 add)
- Per FCD Item 11, during the installation of playing field storm drain system, CTS uncovered a concrete wall over six feet tall and more than 20 feet long which needed to be removed. Only the part of the structure that was impeding the storm drain installation was removed. (\$2,531.00 add)

Total Unforeseen Conditions Cost: \$110,242.50 (add)

Value Engineering & Construction Changes:

- Per FCD Item 1, CTS provided a cost credit of \$3,250.00 from NTP 1 changes to the mechanical system in the warehouse area. (\$3,250.00 credit)
- Per FCD Item 3, CTS provided a cost credit of \$7,000.00 for changing the secondary black aluminum fence at the horse run area from six foot to four foot high. (\$7,000.00 credit)
- Per FCD Item 4, CTS is installing the inner wooden fence in the horse run area included in the original design but removed during the bid award. The inner fence will provide a safety buffer for children that will be visiting the horses before, during, and after games. The old horse stables did not have a play field adjacent to the horse run. (\$27,000.00 add)
- Per FCD Item 9, CTS provided a credit to incorporate landscape and irrigation system revisions to simplify irrigation in the artificial turf field and include two spickets at each end of the field. (\$15,300.00 credit)
- Per FCD Item 12, CTS provided a credit for modifications to the fruit grove area by removal of the fence. The future fruit grove will not require any additional fencing. (\$22,300.00 credit)
- Per FCD Item 13, CTS provided a credit to simplify sidewalk design around the fruit grove. (\$9,700.00 credit)

Total Unforeseen Conditions Cost: \$110,242.50 (add)

Value Engineering & Construction Changes: \$30,550.00 (credit)

Performance/Payment Bonds: \$1,593.85

Net Total Cost: \$81,286.35

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

PURPOSE AND JUSTIFICATION

Considering the history and use of the site as a military facility, unforeseen condition encounters were expected and an item price to address these situations was included in the project construction cost. Addressing conditions identified in this summary are required to complete the work and maintain project schedule.

Similarly, Contingency expenditures were required to accommodate park roadway and hardscape interface with future artificial turf installation and renovation of the former PAL gym building.

Construction of the Truman Waterfront Park is consistent with the City of Key West's Strategic Goals #3 *Parks and Recreation areas are accessible to all residents and visitors* and Goal #5 *All of the City's Destinations and Resources Are Accessible to Residents and Visitors*.

FINANCIAL ISSUES

This change order would be funded under the Truman Waterfront PH IB project budget account 101-4303-543-63, Project # IS43031801.

The total contract time remain unchanged.

RECOMMENDATION

Staff recommends approving change order number four in the amount of \$81,286.35, to continue construction of Phase IB of the Truman Waterfront Park and authorize the Interim City Manager to execute necessary documents.

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



THE CITY OF KEY WEST
Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3583

CHANGE ORDER

CHANGE ORDER NO. 4

CHANGE ORDER DESCRIPTION Unforeseen and field changes during construction additional information attached

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)

CONTRACT VALUE		CONTRACT TIME (CALENDAR DAYS)	
ORIGINAL CONTRACT	\$ 4,765,712.00	ORIGINAL CONTRACT	0 DAYS
PREVIOUS CHANGE ORDERS	\$ 134,000.74	PREVIOUS CHANGE ORDERS	0 DAYS
THIS CHANGE ORDER	\$ 81,286.35	THIS CHANGE ORDER	0 DAYS
REVISED CONTRACT VALUE	\$ <u>4,980,999.09</u>	REVISED CONTRACT TIME	<u>0</u> DAYS

REVISED CONTRACT COMPLETION DATE: _____ N/A

By: City of Key West

Authorized Signature
Patti McLaughlin
Printed Name
Interim City Manager
Title
Date

By: Charley Toppino & Sons, Inc
Contractor Name
Authorized Signature
Printed Name
Title
Date 5/25/21

Key to the Caribbean – average yearly temperature 77° Fahrenheit



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

CHANGE ORDER

CHANGE ORDER NO. 4

CHANGE ORDER DESCRIPTION Unforeseen and field changes during construction, additional information attached

PROJECT NAME: Truman Waterfront Park Phase 1B

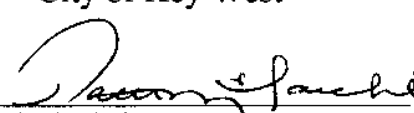
PROJECT CODE: IS43031801

CONTRACTOR NAME: Charley Toppino & Sons Inc

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

CONTRACT VALUE		CONTRACT TIME (CALENDAR DAYS)	
ORIGINAL CONTRACT	\$ <u>4,765,712.00</u>	ORIGINAL CONTRACT	<u>0</u> DAYS
PREVIOUS CHANGE ORDERS	\$ <u>134,000.74</u>	PREVIOUS CHANGE ORDERS	<u>0</u> DAYS
THIS CHANGE ORDER	\$ <u>81,286.35</u>	THIS CHANGE ORDER	<u>0</u> DAYS
REVISED CONTRACT VALUE	\$ <u>4,980,999.09</u>	REVISED CONTRACT TIME	<u>0</u> DAYS

REVISED CONTRACT COMPLETION DATE: N/A

By:
 City of Key West

 Authorized Signature
 Patti McLauchlin
 Printed Name
 Interim City Manager
 Title
5/20/2021
 Date

By:
 Contractor Name
 Authorized Signature
 Printed Name
 Title
 Date

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



Work Change Directive Proposal
Truman Waterfront Park Phase 1B
 ITB 19-026
 P.O. #

DATE: 4/20/21

Location: Truman Waterfront Park, Key West FL 33040
 Scope: NTP2 Design Changes

ITEMIZED QUANTITIES
 WCD 23

Item	Description	Quantity	Units	Cost per Unit	Line Item Cost	Notes
1	Roll over Credit from NTP 1	1.0	LS	\$ (3,250.00)	\$ (3,250.00)	
2	Insulation for Roofing	1.0	LS	\$ 29,589.50	\$ 29,589.50	
3	Credit for Fencing 8ft to 4ft	1.0	LS	\$ (7,000.00)	\$ (7,000.00)	
4	Secondary Fence at Horse Run	1.0	LS	\$ 27,000.00	\$ 27,000.00	
5	Additional Fencing/Gates for Field	1.0	LS	\$ 40,228.00	\$ 40,228.00	
6	Toppino Work for AT&T	1.0	LS	\$ 2,500.00	\$ 2,500.00	
7	1 Street Light w/Future Conduit	1.0	LS	\$ 22,394.00	\$ 22,394.00	
8	TE/Curbs for Landscape Beds	1.0	LS	\$ 12,250.00	\$ 12,250.00	
9	Credit for Irrigation under Field	1.0	LS	\$ (15,300.00)	\$ (15,300.00)	
10	Remove Curb at Navy Entrance	1.0	LS	\$ 750.00	\$ 750.00	
11	Concrete Structure Removal Field Area	1.0	LS	\$ 2,531.00	\$ 2,531.00	
12	Credit for Fruit Garden Fence	1.0	LS	\$ (22,300.00)	\$ (22,300.00)	
13	Credit for Fruit Garden Sidewalk	1.0	LS	\$ (9,700.00)	\$ (9,700.00)	
Subtotal					\$ 79,692.50	
	Performance/Payment Bonds (\$20.00/Thousand)	1.0	LS	\$20.00/Thousand	\$ 1,593.85	
	Mobilization/Demobilization	1.0	LS	5% of Total	\$ -	
Total					\$ 81,286.35	
Notes:						
Prepared by:	<i>Carol White</i>					
	Project Manager					
	Charley Toppino & Sons, Inc.					
					WCD	23
					Sheet	1 of 1
Date:	4/20/21					

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Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3883

CHANGE ORDER

CHANGE ORDER NO. 2

CHANGE ORDER DESCRIPTION Unforeseen Conditions After demo and exposing the interior walls, structural engineer requested for front exterior wall to be partially demolished and re-build.

PROJECT NAME: Truman Waterfront Park Phase 1B

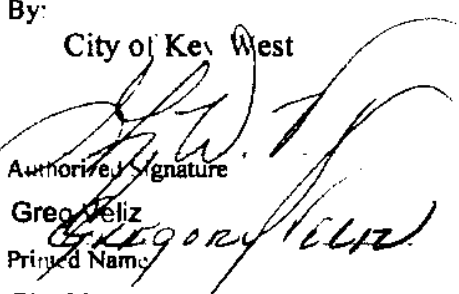
PROJECT CODE: IS43031801


CONTRACTOR NAME: Charley Toppino & Sons Inc

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

CONTRACT VALUE		CONTRACT TIME (CALENDAR DAYS)	
ORIGINAL CONTRACT	\$ 1,780,935.00	ORIGINAL CONTRACT	0 DAYS
PREVIOUS CHANGE ORDERS	\$ 9,325.35	PREVIOUS CHANGE ORDERS	0 DAYS
THIS CHANGE ORDER	\$ 30,375.76	THIS CHANGE ORDER	0 DAYS
REVISED CONTRACT VALUE	\$ <u>1,820,636.11</u>	REVISED CONTRACT TIME	<u>0</u> DAYS

REVISED CONTRACT COMPLETION DATE: N/A

By:
City of Key West

Authorized Signature
Greg Veliz
Printed Name
City Manager
Title
Date 1/24/20

By:
Charley Toppino & Sons, Inc
Contractor Name

Authorized Signature
John Toppino
Printed Name
Title
Date 1/24/20



Work Change Directive Proposal Truman Waterfront Park Phase 1B ITB 19-026 P.O. #	DATE: <u>1/13/20</u>
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Location: <u>Truman Waterfront Park, Key West FL 33040</u> Scope: <u>Removal/Replacement of Infill @ Front Wall</u>	ITEMIZED QUANTITIES WCD <u>2</u>
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Item	Description	Quantity	Units	Cost per Unit	Line Item Cost	Notes
	Demo/Removal of Infill @ Front Wall <i>*estimated 618 sf of Infill to demo.</i>	1.0	LS	\$ 6,500.00	\$ 6,500.00	
	CMU Wall Infill <i>*estimated 618 sf of Infill to be replaced.</i>	618.0	SF	\$ 24.75	\$ 15,286.50	
	Demo/Removal of Wing Walls (SEA)	1.0	LS	\$ 7,961.50	\$ 7,961.50	
	Subtotal				\$ 29,757.00	
	Performance/Payment Bonds (\$20.00/Thousand)	1.0	LS	\$20.00/Thousand	\$ 618.76	
	Mobilization/Demobilization	1.0	LS	5% of Total	\$	
	Total				\$ 30,376.76	
	Notes:					
	Prepared by: <i>Andrew Toppino</i> Estimator					
	Charley Toppino & Sons, Inc.				WCD	1
	Date: 1/13/20				Sheet	1 of 1



THE CITY OF KEY WEST
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CHANGE ORDER

CHANGE ORDER NO. 1

CHANGE ORDER DESCRIPTION Additional Abetment (200 LF mastic, plaster, soffit material)

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)

CONTRACT VALUE		CONTRACT TIME (CALENDAR DAYS)	
ORIGINAL CONTRACT	\$ 1,780,935.00	ORIGINAL CONTRACT	<u>0</u> DAYS
PREVIOUS CHANGE ORDERS	\$ 0.00	PREVIOUS CHANGE ORDERS	<u>0</u> DAYS
THIS CHANGE ORDER	\$ 9,325.35	THIS CHANGE ORDER	<u>0</u> DAYS
REVISED CONTRACT VALUE	\$ <u>1,790,260.35</u>	REVISED CONTRACT TIME	<u>0</u> DAYS

REVISED CONTRACT COMPLETION DATE: N/A

By: City of Key West

Authorized Signature

Greg Veliz

Printed Name

City Manager

Title

Date

By: Charley Toppino & Sons

Contractor Name

Authorized Signature

Richard J. Toppino
 Printed Name

President

Title

Date

1/2/20

