




MEMORANDUM

Date: November 9, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress 
City Manager

From: Gary Volenec, P.E.
Engineering Director

Subject: **Approving Partial Rescinding of Resolution No. 23-230 to Modify Continuing Services Contract utilized for Truman Waterfront Park Gravel Lot Surfacing**

Introduction

City Manager recommends that the Mayor and City Commission approve this resolution which provides for the partial rescinding of Resolution No. 23-230 to correct the issuance and approval of a Task Order for Charley Toppino & Sons, Inc. in an amount not to exceed \$277,905.63, for gravel surfacing of a portion of the grassed area at Truman Waterfront Park utilizing the City's General Utilities and Infrastructure Contract and to approve and issue the Task Order for Charley Toppino & Sons, Inc. using the 2022 Right-of-Way Improvements contract.

Background

The City of Key West submitted a grant application in April of 2022 requesting TDC funding from the 2023 Bricks and Mortar Capital Projects funding cycle to assist in improving the grassed area across from Coffee Butler Amphitheater at Truman Waterfront Park. The amphitheater and park have become a "destination location" for many of the City's 2.7 million annual visitors and frequently hosts events and festivals which make use of this lot. The use and loading in this grassed area with vehicles, pedestrians, trailers, temporary modular facilities, powerboats, etc. has a detrimental impact on the overall condition with frequency that makes maintenance and upkeep challenging.

In October of 2022 the City received a grant award agreement from the Tourist Development Council (TDC) which was accepted by the Commission per Resolution 22-195. Grant funds in the amount of \$200,000 were awarded for *Key West Amphitheater Enhancements Phase II*. This capital improvement

project includes installation of no. 57 stone and geocell stabilization material as well as constructing an additional driveway to access the grassed area in Truman Waterfront Park across from Coffee Butler Amphitheater.

In September of 2023, Resolution No. 23-230 approved a Task Order for Charley Toppino & Sons, Inc. to complete the work proposed, but the resolution incorrectly specified that the Task Order would be performed under the City's General Utilities and Infrastructure Contract. The correct City contract for the approved Task Order should name the 2022 Right-of-Way Improvements contract, approved under Resolution 22-289 and signed on December 7, 2022. The purchase order for the proposed improvements was requested on October 11, 2023 and the discrepancy was discovered in the approval process by the Finance Department.

Procurement

A new resolution including all the existing language in the original resolution with the correctly referenced continuing services contract has been prepared to supersede Resolution No. 23-230. The new resolution specifies that the Task will be performed under the Right-of-Way Improvements contract. This revision has no funding changes or financial impacts to the City.

Recommendation

City Manager recommends that the Mayor and City Commission approve this resolution which provides for the partial rescinding of Resolution No. 23-230 to correct the issuance and approval of a Task Order for Charley Toppino & Sons, Inc. in an amount not to exceed \$277,905.63, for gravel surfacing of a portion of the grassed area at Truman Waterfront Park utilizing the City's General Utilities and Infrastructure Contract and to approve and issue the Task Order for Charley Toppino & Sons, Inc. using the 2022 Right-of-Way Improvements contract.