

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AN EMERGENCY PROCUREMENT SIGNED BY THE CITY MANAGER ON MARCH 26, 2020, AS PROVIDED FOR UNDER SECTION 2-797(2) OF THE CODE OF ORDINANCES, TO APPROVE THE ATTACHED "PROPOSAL FOR A VOLUNTARY SOURCE REMOVAL COLLEGE ROAD AFFORDABLE HOUSING PROJECT" BETWEEN TETRA TECH, INC. AND THE CITY OF KEY WEST", IN A TOTAL AMOUNT NOT TO EXCEED \$437,402.00 (INCLUSIVE OF THE RELATED "PROPOSAL FOR POST ACTIVE REMEDIATION GROUNDWATER MONITORING (ORGANOCHLORINES PESTICIDE IMPACTS) CITY OF KEY WEST COLLEGE ROAD AFFORDABLE HOUSING PROJECT" IN A TOTAL AMOUNT NOT TO EXCEED \$56,996.00); APPROVING ANY NECESSARY BUDGET ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 18-126, the City Commission directed staff to expedite the development of affordable workforce housing at 5220, 5224, 5228 and 5230 College Road; and

WHEREAS, in a Template Site Assessment Report (TSAR) dated March 2, 2020, there were areas with documented organochlorine pesticide soil contamination identified in the "Mosquito Control" portion of the site that exceed Residential Direct Exposure and Leachability Based Soil Clean Up Target Levels which necessitate voluntary removal of the identified organochlorine pesticide contaminated soil; and

WHEREAS, there is an FDEP approved Voluntary Source Removal for petroleum impacted soils that is scheduled to be implemented in March by Tetra Tech, and it would be beneficial and cost-effective to implement the organochlorine pesticide source removal immediately after the petroleum source removal is complete to meet the projected time schedule for the College Road Affordable Housing Project; and

WHEREAS, in addition to the remediation, it may be necessary pursuant to FDEP Regulations (Chapter 62-780.750 FAC) to perform quarterly "Post Active Remediation Groundwater Monitoring (Organochlorine Pesticide Impacts)", and provide an annual report after the remediation is complete, and it is in the best interests of the project to approve an accompanying "Proposal for Post Active Remediation Groundwater Monitoring (Organochlorine Pesticide Impacts" in the event such services are required; and

WHEREAS, in Resolution No. 14-359, the City Commission approved a three-year Environmental Engineering Services contract with Tetra Tech, Inc. and in Resolution 17-299 the contract was extended for an additional two years; and

WHEREAS, Tetra Tech has provided services to the City in the past at reasonable cost, and can complete the project within the very restricted time frame for completion of necessary pre-construction work; and

WHEREAS, Key West Code of Ordinances section 2-797 permits the purchase of goods and services without competition under certain specified conditions; and

WHEREAS, measures related to the Local, County and State Declarations of Emergency related to the Covid 19 Pandemic delayed a City Commission meeting scheduled in March, necessitating an emergency approval so that work can move forward in a timely manner; 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 and procure this necessary task order to ensure prompt authorization for this project to protect and improve public, health, welfare and safety through affordable housing; 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 THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached "Proposal for a Voluntary Source Removal - College Road Affordable Housing Project" between Tetra-Tech, Inc. and the City of Key West is hereby ratified pursuant to Section 2-797(2) of the code of ordinances, in an amount not to exceed \$437,402.00 (inclusive of attached "Proposal for Post Active Remediation Groundwater Monitoring (Organochlorine Pesticide Impacts) City of Key West College Road Affordable Housing Project" in the amount of \$56,996.00, should this monitoring be required by the Florida Department of Environmental Protection).

Section 2: That this expenditure(s) will be paid from budget account fund 104 Affordable Housing/Housing Admin/Repair and Maintenance Account #104-5401-554-4600, and any necessary budget adjustments are approved.

Section 3: That the City Manager is authorized to execute any necessary documents for this project, upon 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 _____ day of _____, 2020.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2020.

Filed with the Clerk on _____, 2020.

Mayor Teri Johnston _____
Vice Mayor Sam Kaufman _____
Commissioner Gregory Davila _____
Commissioner Mary Lou Hoover _____
Commissioner Clayton Lopez _____
Commissioner Billy Wardlow _____
Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK