

RESOLUTION NO. 09-263

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE PURCHASE OF \$48,811.82 OF FLEXI-PAVE MATERIAL FROM K.B. INDUSTRIES, INC. ON A SOLE SOURCE BASIS PURSUANT TO SECTION 2-797(1) FOR BRAND NAME ITEMS IN ACCORDANCE WITH 2-844 OF THE CODE OF ORDINANCES FOR PAVING AROUND GRATES IN SECTIONS OF THE HRCC-1 AND HNC-1 ZONING DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That the purchase of additional Flexi-Pave material from K.B. Industries, Inc. in an amount not to exceed \$48,811.82 is approved for use in sections of the HRCC-1 and HNC-1 zoning districts.

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 20 day of October, 2009.

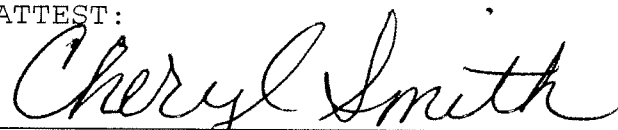
Authenticated by the presiding officer and Clerk of the Commission on October 21, 2009.

Filed with the Clerk October 21, 2009.



CRAIG CAPES, MAYOR

ATTEST:




CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

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

MEMORANDUM

TO: Jim Scholl, City Manager
FROM: Greg Veliz, Community Services Director 
VIA: Mark Finigan, Assistant City Manager- Administration
DATE: October 5, 2009

SUBJECT: Resolution approving the sole source purchase of Flexi-Pave in the amount of \$48,811.82

ACTION STATEMENT: This resolution authorizes the purchase of materials from K.B. Industries, Inc. in an amount not to exceed \$48,811.82 on a sole source basis pursuant to Section 2-797 (1) for brand name items in accordance with 2-844 of the Code of Ordinances for paving around tree and flora planter areas bordering streets that are within sections of the Historic Residential Commercial Core Districts 1 Duval Street Gulfside and 3 Duval Street Oceanside districts. Other installation sites include sections of the Historic Neighborhood Commercial District 1 Truman/Simonton.

BACKGROUND: In August of 2009 under the authority of the City Commission of the City of Key West, Florida Resolutions 09-152 and 09-220, the City Staff of Key West installed Flexi-Pave materials from K.B. Industries, Inc. in the tree planters along Duval Street. This action was taken to mitigate slip, trip, and fall risks caused by previously installed tree grates and other fill materials.

Since this time period, no reported trip incidents from tree planters have occurred. Several citizens have made positive comments as to the aesthetically pleasing nature of the material. Additionally, staff has reported a reduction in the time necessary to clean the planters, thus allowing time to perform other tasks and reducing equipment fuel usage.

Residual Flexi-Pave materials were also installed at the Southernmost Point and adjacent to a large tree on Front and Wall Street.

PURPOSE & JUSTIFICATION:

The continued installation of the Flexi-Pave materials around tree and flora planter areas will significantly reduce trip hazards caused by uneven elevated surfaces, thus promoting public safety. Additional benefits manifest

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

environmentally from the use of recycled materials, reduction in fuel usage and carbon monoxide emissions. A reduction in runoff water during tree watering operations due to installed Flexi-Pave porosity is also noteworthy.

OPTIONS:

1. Approve resolution which will allow for continued mitigation of potential slip, trip, and fall hazards in high pedestrian traffic areas.
2. Terminate the project. This course of action does not further abate potential slip, trip, and fall hazards in the high pedestrian traffic areas within the city limits.
3. Purchase materials from alternative vendors. This course of action requires staff to conduct "due diligence" research on any new products, thus delaying hazard mitigation. Additionally, use of alternative vendors may adversely affect consistent appearance and product performance within the city.

FINANCIAL IMPACT:

The funds for purchase of Flexi-Pave materials were originally allocated in the FY 08-09 budget and are available to carry forward to FY 09/10. The project is listed in the Infrastructure Surtax Fund 101-7201-772.63.

RECOMMENDATION:

Staff recommends option #1, to approve resolution authorizing the purchase of materials from K.B. Industries, Inc. in an amount not to exceed \$48,811.82 to continue commitment to public safety and our city's environmental well-being.



Smarter Materials for Next Generation Infrastructure™



FLEXI-PAVE PROPOSAL

K.B. Industries, Inc.
28100 US Hwy. 19 N, Suite 410
Clearwater, FL 33761
(T) 727.723.3300 ▪ (F) 727.723.3600

Date: **September 23, 2009**
Proposal #: **10909**
Install Date: **Delivery Only**
KBI Contact: **Mike Williams**
KBI Contact Number: **(407) 832-4630**

CLIENT/OWNER:	PROJECT:
Rod Delostrinos City of Key West 633 Palm Avenue Key West, FL 33040 Tel: (305) 809-3867 Fax: (305) 296-6152	City of Key West GPP 633 Palm Avenue Key West, FL 33040

DESCRIPTION OF PROJECT WORK: *Green Partnership Program (GPP)*

SCOPE OF WORK:
1. Two truck loads total. Each truck load is 4,000 Units.

Line #	Unit	Product	Color	Description	Unit Price	Total	
2	8,000	HD2000	TBD	KBI Flexi®-Pave Material	\$ 5.35	\$ 42,800.00	
						Materials	\$ 42,800.00
						Florida Sales Tax	Exempt
						Mobilization	\$ -
						Total	\$ 42,800.00
						Freight	\$ 6,011.82
						Grand Total	\$ 48,811.82

Upon acceptance of this proposal with your signature below, it is acknowledge you have read the Product Specification Sheet for the KBI Flexi®-Process product quoted in this proposal.

Signature _____ Title _____

Printed Name: _____ Date: _____

NOTES & PAYMENT TERMS

Payment Terms: STANDARD
100% of freight and material due upon proposal acceptance with balance due net 30 upon completion of KBI's portion of work.

100% of Proposal/Contract amount **MUST** be **PAID IN FULL** prior to KBI's warranty being issued.

If ground work is being performed by others, it is agreed between the parties that KBI reserves the right to charge an additional rate up to a maximum of \$2,000/daily for KBI's down time if the base work is not completed or is not satisfactory upon KBI's arrival onsite.

*Freight rates are valid for 30 days from proposal date and are subject to change without notice.



The "USGBC Member Logo" is a trademark owned by the U.S. Green Building Council and is used by permission. The logo signifies only that K.B. Industries, Inc. is a USGBC member; USGBC does not review, certify, or endorse the products or services offered by its members.



FLEXI™-PAVE

GENERAL SPECIFICATIONS

HD 2000 (2" - 50 mm)

HD1500 (1 1/2" - 37.5 mm)

HD1000 (1" - 25 mm)

PRODUCT DESCRIPTION: A constructional paving material that is dynamic in its physical construction which is mixed directly on the installation site. Available for use after 24 hours which results in a extremely porous, heavy duty, flexible paving system designed for low speed applications with pedestrian and vehicular use.

The constructional paving material is made from Recycled Passenger Tires and Aggregate bound together with K.B. Industries, proprietary binding agent: **XFP75**

FEATURES:

- Flexible
- Extremely Porous
- Dynamic in physical form
- Diffuses water force
- Impact - Absorbing surface
- Slip resistant
- Resistant to Freeze/Thaw
- Dissipates Mechanical Shock
- Non-Flammable
- Non-Toxic

BENEFITS:

- Does not crack. Even with root intrusion/preventing trip hazards.
- Storm Water Management (BMP's) - Allowing Groundwater recharge.
- Heavy objects will not make indentations when removed.
- Erosion control uses (i.e. Embankments, Swales, etc.)
- Reduces injuries to joggers and walkers.
- Exceeds ADA requirements / Reduces slip and fall hazards.
- Reduces maintenance costs.
- Resistant to snow plow damage.
- Does not burn without the use of an extreme accelerent.
- Can be installed bodies of open water (i.e. "Wetlands, etc.")

INSTALLATION: KBI Flexi™-Pave can be installed from 45°F degree to 95°F degree temperatures.

Important: When curing... the temperature should not fall below 35°F.

QUALIFIED INSTALLATION: KBI Flexi™-Pave can only be installed by K.B. Industries, Inc., "CERTIFIED INSTALLERS" having the: "KBI CERTIFICATION NUMBER" (This number can be requested at any time from K.B. Industries Inc., for verification.)

RECOMMENDED SUBSTRATE: HD2000 is installed over a minimum of 4" (100mm) of compacted crushed concrete or similar aggregate to a density of 95% minimum. The sizing of the stone and base soil will directly represent the desired "Curve Number" (percolation rate) required. HD1500 & HD1000 are designed to be installed over existing engineered pavements (i.e. concrete or asphalt). This process is called an "over-pour" installation. (The porosity rate of HD2000, HD1500 & HD1000 material thickness only is 4000 inches per hour or 100 meters per hour.)

MATERIAL SAFETY INFORMATION: MSDS information is available upon request.

KBI Flexi™-Process products are manufactured by KB Industries, Inc. Data is based on facts that we believe to be accurate but all recommendations are made without warranty since conditions of use are beyond KB Industries Inc control. We do not assume any liability except what is expressly noted in warranty certificate if Certified Technicians install the products. We do not assume any liability from injury resulting from use. Liability, if any, is limited to replacement of products.

USAGE GUIDELINES: All Flexi-Pave, including HDX and HD products, are designed for vehicular traffic. Any implied warranty is voided by improper use. No Track Vehicles (metal or rubber), Forklifts (warehouse-var Reach), Man Lifts (booms or scissors), and/or dumpsters or roll-off containers



K.B. Industries, Inc.

KB Industries Inc. Sole Source Justification


General Information HD 2000

Product Description: A heavy duty, flexible, porous surfacing designed to be used as paving material in low-speed applications. Made from recycled rubber passenger tires and aggregate. Made from 3/8" recycled rubber granule and 3/8" nominal dry aggregate which is bonded together with a proprietary single component moisture-cured urethane.

Features	Benefits
<i>Porous</i>	<ul style="list-style-type: none"> • Reduces the need for separate retention areas. • Increases usable square footage on your site. • Increases potential building size and parking areas • Reduces puddles in low-lying areas
<i>Impact-Absorbing Surface</i>	<ul style="list-style-type: none"> • Reduces injuries.
<i>Slip-Resistant</i>	<ul style="list-style-type: none"> • Reduces slip and fall accidents.
<i>Resistant to Freeze/Thaw Conditions</i>	<ul style="list-style-type: none"> • Reduces maintenance costs.
<i>Resistant to separation and cracking</i>	<ul style="list-style-type: none"> • Reduces liability claims caused from "trip & fall" by root intrusion.
<i>Customized Colors Available</i>	<ul style="list-style-type: none"> • Many design possibilities.

Key Reasons for Sole Source

- Proprietary binding agent(urethane)
 - XFP 75* is developed and manufactured exclusively for KBI Inc.
- Flexi-Process
 - The Flexi Possess* is the method in which Flexi-Pave is installed and developed by KBI , Inc. and installed by certified and licensed KBI Inc. crews.



 Kevin Baginfall
 Founder, President & CEO

*Patten and application is currently in process



THE CITY OF KEY WEST

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

MEMORANDUM

**To: Jim Scholl, City Manager
 Mark Finigan, Asst. City Manager
 David Fernandez, Asst. City Manager**

From: Rod Delostrinos, Community Services Deputy Director

Date: 10/06/2009

Reference: Flexi-Pave Procurement in the amount of \$48,811.82 from K.B. Industries


Pursuant to purchasing Code 2-844 relating to Brand Name Specifications, "Since use of a brand name specification is restrictive of product competition, it may be used only when the purchasing agent makes a written determination that only the identified brand name item will satisfy the City's needs."

Additionally, "The Purchasing Agent shall seek to identify sources from which the designated brand name item can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under the sole source procurement provisions of section 2-797".

In this case, K.B. Industries is the only company which manufactures Flexi-Pave. The City of Key West has previously expended resources to train staff on Flexi-Pave installation. This product is already installed on Duval Street.

Purchasing Code 2-797 (1) b. states, "A contract may be awarded without competition when the department head makes a written determination and the purchasing agent verifies that, after conducting a good faith review of available sources, there is only one source for the required commodity or contractual service."

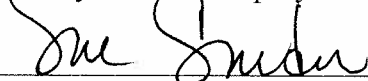
After a good faith review, this confirms that K.B. Industries is the only authorized vendor for Flexi-Pave products.



 Approved by Rod Delostrinos,
 Community Services Deputy Director

6 OCT 09

 Date



 Approved by Sue Snider,
 Purchasing Agent

10/6/09

 Date

RESOLUTION NO. 09-220

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE PURCHASE OF \$14,100 OF FLEXI-PAVE MATERIAL FROM K.B. INDUSTRIES, INC. ON A SOLE SOURCE BASIS PURSUANT TO SECTION 2-797(1) FOR BRAND NAME ITEMS IN ACCORDANCE WITH 2-844 OF THE CODE OF ORDINANCES FOR PAVING AROUND TREE GRATES IN ADDITION TO THE AMOUNT PREVIOUSLY APPROVED BY THE CITY COMMISSION ON JULY 7, 2009; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That the purchase of an additional ½ unit (2000 square feet) of Flexi-Pave material from K.B. Industries, Inc. in an amount not to exceed \$14,100.00 is approved.

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.

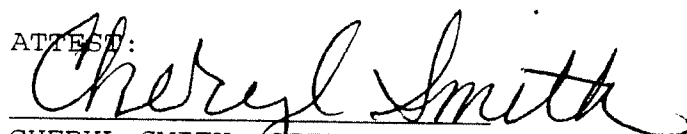
Passed and adopted by the City Commission at a meeting held this 1st day of September, 2009.

Authenticated by the presiding officer and Clerk of the Commission on September 2, 2009.

Filed with the Clerk September 2, 2009.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY

Date: August 13, 2009

TO: Jim Scholl

FROM: Greg Veliz

VIA: Mark Finigan

RE: Approve Change Order to Purchase Order 063882 to KB Industries for additional materials to complete Project PR0701 in the amount of \$14,100.

Action Statement

Resolution approving the change order for Purchase Order 063882 for the additional purchase of a ½ unit (2000 ft²) of Flexi-Pave to complete the installation of said product on Duval Street in the amount of \$14,100.

Strategic Plan Initiative

A strategic goal is the maintenance of our public infrastructure in a cost effective manner with a key intended outcome of improved safety of our sidewalks and streets. Currently Flexi-Pave has been installed on the 100 through 500 blocks of Duval Street with extremely positive results. The product was proposed to reduce the slip and trip hazards currently observed on Duval Street thereby reducing the number of lawsuits against the city.

Project Issue

The tree grates on Duval St. are slippery and heaved up in many spots causing slip & fall opportunities. In areas where the existing tree grates do not fit in the space properly, the City installs asphalt, sand, rock, or a combination of materials.

During the Duval Street Flexi-Pave installation, it was necessary to use a portion of the product for unallocated uses such as newly identified potential hazard abatement and additional installation requirements. An average depth of 2-3 inches was used to forecast material; however, some tree planters had greater depths.

Flexi-Pave is the registered trademark of KBI. The City of Key West staff has completed the official KBI sanctioned Flexi-Pave installation training and is certified by KB Industries therefore the use of KB Industries Flexi-Pave meets

brand name specifications under Article VII Section 2-844 and sole source procurement requirements in Section 2-797.

Financial Issues

The Duval Tree Grate project PR 0701 is funded from the infrastructure surtax fund 101-7201-772.63. Currently \$29,405.91 has been expended. The allocation of the additional \$14,100 to complete the project will extend the total project to \$43,505.91. The original estimated savings to the city was \$88,000.

Options

- 1.) Terminate project. This course of action does not abate potential slip, trips, and fall hazards on Duval Street.
- 2.) Purchase materials from alternative vendors. This course of action requires staff to conduct "due diligence" on any new products, thus delaying the project further.

Recommendation

Staff recommends approving the change order to purchase order 063882 of project PR0701 for the additional allocation of \$14,100. Preliminary reports from initial product installation on the 100 Block of Duval Street indicate significant reduction slips, trips, and falls hazards, thus promoting public safety and reducing city liability. Additionally, the installation reduces maintenance costs associated with cleaning.

RESOLUTION NO. 09-159

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF A MATERIALS AND TRAINING FROM K.B. INDUSTRIES, INC. IN AN AMOUNT NOT TO EXCEED \$29,405.91 ON A SOLE SOURCE BASIS PURSUANT TO SECTION 2-797(1) FOR BRAND NAME ITEMS IN ACCORDANCE WITH 2-844 OF THE CODE OF ORDINANCES FOR PAVING AROUND TREE GRATES; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That the purchase of the materials and training from K.B. Industries, Inc. in an amount not to exceed \$29,405.91 on a sole source basis pursuant to section 2-797(1) for brand name items in accordance with 2-844 is hereby authorized in accordance with the attached agreement and invoice.

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 7th day of July, 2009.

Authenticated by the presiding officer and Clerk of the Commission on July 8, 2009.

Filed with the Clerk July 8, 2009.


MORGAN McPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY

Date: June 16, 2009
TO: Jim Scholl
FROM: Janet Muccino
VIA: Gary Bowman
RE: Approve Sole Source Procurement to KB Industries for the purchase of and training for the installation of Flexi-Pave in 165 tree grate areas on Duval St. in the amount of \$29,405.91

Action Statement

Resolution approving the sole source purchase and training to install 4,000 square feet of Flexi-pave around 165 tree grates on Duval st in the amount of \$29,405.91.

Strategic Plan Initiative

A strategic goal is the maintenance of our public infrastructure in a cost effective manner with a key intended outcome of improved safety of our sidewalks and streets. The proposed product was proposed to reduce the slip and trip hazards currently observed on Duval St. thereby reducing the number of lawsuits against the city. Training city personnel and purchasing the product directly from the manufacturer will allow for the completion of the project and make Duval Street safer.

Project Issue

The tree grates on Duval St. are slippery and heaved up in many spots causing slip & fall opportunities. In areas where the existing tree grates do not fit in the space properly the City installs asphalt, sand, rock or a combination of materials. Engineering Services has worked with the recreation, landscaping, public works and the Duval St. Committee to find a pleasant looking but safe & cost effective alternative to the currently used products. Two products, rubber mulch and flexi-pave were considered and samples installed on Duval St over the past year, both products use recycled passenger tires however flexi-pave also uses aggregate. Using a recycled rubber product which is poured in place like concrete allows for safe & cost effective installation that will allow water to enter the tree root system.

Previously the city went out to bid for installing recycled rubber mulch in 165 tree grate areas and both times the bids were found to be non responsive and were rejected by the city commission. After the bids were rejected staff contacted the manufacturer of the rubber mulch, Play Space Services, to ask for a price for in- house training and were told they do not provide training; then staff contacted KBI the manufacturer of flexi-pave and they submitted the enclosed training and product information.

Flexi-Pave is the registered trademark of KBI. KBI is the only entity that can train Flexi-Pave installers and is the only manufacturer of Flexi-Pave; therefore the use of KBI Flexi-Pave meets brand name specifications under Article VII Section 2-844 and sole source procurement requirements in Section 2-797

Financial Issues

The Duval St Tree Grate project PR 0701 is funded from the infrastructure surtax fund 101-7201-772.63. There is a balance of \$118,554.32 remaining for this project. Sole sourcing to KBI will save the city \$88,000.00. KBI

If a Full Unit (4,000 SF) of material is purchased it will be enough material to complete the 165 tree grates specified in the project. The \$5,000.00 cost of training a 2- man crew includes 3 trainers for 5 days (for a full unit) for 8 hours a day and includes all meals, travel, accommodations and all equipment necessary to complete the 165 tree grate project. If a Half Unit (2,000 SF) is purchased then about half the project will be completed and the City will have to invest in equipment to complete the job at a later date. The cost of training remains \$5,000.00 for 3 trainers for 4 days for a half unit.

Options

- 1.) Rebid for the Duval St Tree Grates project .This will be the third time the bids requested and we do not have reason to believe we can find a viable bidder.
- 2.) Purchase conventional metal tree grates.

Recommendations

Staff recommends approving the sole source procurement to KBI Flexi-pave for the purchase and training of city staff for the installation of 4,000 square feet of Flexi-Pave for the 165 tree grates on Duval St. in the amount of \$29,405.91.



KBI's

Green Partnership Program

Congratulations, City of Key West, Florida, on your decision to participate in the Green Partnership Program with K.B. Industries, Inc. Once you have been certified, your trained installers will be provided certificates documenting their unique certification credentials. The following pricing and terms are being offered to the City of Key West, Florida, as part of their participation in the Green Partnership Program with K.B. Industries, Inc.

- Level I Training and Certification cost is \$5,000 per 2-man crew.
- Initial minimum Flexi®-Pave material purchase for training installation is 2,000 SF (Half Unit). The cost of these materials is in addition to the Training and Certification cost.
- We will provide an expert for any follow-up training or special installation in a consulting capacity at a rate of \$500/day, plus per diem if applicable.
- Pricing is guaranteed for a period of One (1) Year, commencing on the date of the first received purchase order.
- Pricing is as follows:

Full Unit
4,000 SF at 2" lift
21 Pallets or Skids
\$21,400 (\$5.35/SF)

Half Unit
2,000 SF at 2" lift
11 Pallets or Skids
\$11,200 (\$5.60/SF)

Quarter Unit
1,000 SF at 2" lift
6 Pallets or Skids
\$5,950 (\$5.95/SF)

- Freight quotes shall be provided and locked in at the price of the original order for a period of one (1) year.
- Crews may only install KBI Flexi®-Pave as outlined in their Level I certification. Level II installations will require additional Level II certification. KBI reserves the right to terminate this agreement at any time that City of Key West, Florida does not maintain KBI's standards and applications that are set forth in training.
- KBI Flexi®-Pave material can and will only be purchased direct from K.B. Industries, Inc.
- City of Key West, Florida, assumes all warranty and liability claims related to the City of Key West's KBI Flexi®-Pave installations.

KBI looks forward to a long and continuous Green Partnership with you.

Signature

Title

Printed Name

Date

Call 877-KBI-FLEX (824-3539) Fax: 727-723-3600

KBI Industries, Inc. 28108 U.S. Hwy. 19 N. • Suite 410 • Clearwater, Florida 33761

124 DUVALL ST

2

EXAMPLE 2



DURING

AFTER



3

K-B+



FLEXI™-PAVE

GENERAL SPECIFICATIONS

HD 2000 (2" - 50 mm)

HD1500 (1 1/2" - 37.5 mm)

HD1000 (1" - 25 mm)

PRODUCT DESCRIPTION: A constructional paving material that is dynamic in its physical construction which is mixed directly on the installation site. Available for use after 24 hours which results in a extremely porous, heavy duty, flexible paving system designed for low speed applications with pedestrian and vehicular use.

The constructional paving material is made from Recycled Passenger Tires and Aggregate bound together with K.B. Industries, proprietary binding agent: **XFP75**

FEATURES:

- Flexible
- Extremely Porous
- Dynamic in physical form
- Diffuses water force
- Impact - Absorbing Surface
- Slip resistant
- Resistant to Freeze / Thaw
- Dissipates Mechanical "Shock"
- Non-Flammable
- Non-Toxic

BENEFITS:

- Does not crack. Even with root intrusion/preventing trip hazards.
- Storm Water Management (BMP's) - Allowing Groundwater recharge.
- Heavy objects will not make indentations when removed.
- Erosion control uses (i.e. Embankments, Swales, etc.)
- Reduces injuries to joggers and walkers.
- Exceeds ADA requirements / Reduces slip and fall hazards.
- Reduces maintenance costs.
- Resistant to snow plow damage.
- Does not burn without the use of an extreme accelerent.
- Can be installed bodies of open water (i.e. "Wetlands, etc.")

INSTALLATION: KBI Flexi™-Pave can be installed from 45°F degree to 95°F degree temperatures.

Important: When curing... the temperature should not fall below 35°F.

QUALIFIED INSTALLATION: KBI Flexi™-Pave can only be installed by K.B. Industries, Inc., "CERTIFIED INSTALLERS" having the: "KBI CERTIFICATION NUMBER" (This number can be requested at any time from K.B. Industries Inc., for verification.)

RECOMMENDED SUBSTRATE: HD2000 is installed over a minimum of 4" (100mm) of compacted crushed concrete or similar aggregate to a density of 95% minimum. The sizing of the stone and base soil will directly represent the desired "Curve Number" (percolation rate) required. HD1500 & HD1000 are designed to be installed over existing engineered pavements (i.e. concrete or asphalt). This process is called an "over-pour" installation. (The porosity rate of HD2000, HD1500 & HD1000 material thickness only is 4000 inches per hour or 100 meters per hour.)

MATERIAL SAFETY INFORMATION: MSDS information is available upon request.

KBI Flexi™-Process products are manufactured by KB Industries, Inc. Data is based on facts that we believe to be accurate but all recommendations are made without warranty since conditions of use are beyond KB Industries Inc control. We do not assume any liability except what is expressly noted in warranty certificate if Certified Technicians install the products. We do not assume any liability from injury resulting from use. Liability, if any, is limited to replacement of products.

USAGE GUIDELINES: All Flexi-Pave, including HDX and HD products, are designed for vehicular traffic. Any implied warranty is voided by improper use. No Track Vehicles (metal or rubber), Forklifts (warehouse-var Reach), Man Lifts (booms or scissors), and/or dumpsters or roll-off containers



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The constructional paving material is made from Recycled Passenger Tires and Aggregate bound together with K.B. Industries, proprietary binding agent: **XFP75**

FEATURES:

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Important: When curing... the temperature should not fall below 35°F.

QUALIFIED INSTALLATION: KBI Flexi™-Pave can only be installed by K.B. Industries, Inc., "CERTIFIED INSTALLERS" having the: "KBI CERTIFICATION NUMBER" (This number can be requested at any time from K.B. Industries Inc., for verification.)

RECOMMENDED SUBSTRATE: HD2000 is installed over a minimum of 4" (100mm) of compacted crushed concrete or similar aggregate to a density of 95% minimum. The sizing of the stone and base soil will directly represent the desired "Curve Number" (percolation rate) required. HD1500 & HD1000 are designed to be installed over existing engineered pavements (i.e. concrete or asphalt). This process is called an "over-pour" installation. (The porosity rate of HD2000, HD1500 & HD1000 material thickness only is 4000 inches per hour or 100 meters per hour.)

MATERIAL SAFETY INFORMATION: MSDS information is available upon request.

KBI Flexi™-Process products are manufactured by KB Industries, Inc. Data is based on facts that we believe to be accurate but all recommendations are made without warranty since conditions of use are beyond KB Industries Inc control. We do not assume any liability except what is expressly noted in warranty certificate if Certified Technicians install the products. We do not assume any liability from injury resulting from use. Liability, if any, is limited to replacement of products.

USAGE GUIDELINES: All Flexi-Pave, including HDX and HD products, are designed for vehicular traffic. Any implied warranty is voided by improper use. No Track Vehicles (metal or rubber), Forklifts (warehouse-var Reach), Man Lifts (booms or scissors), and/or dumpsters or roll-off containers



K.B. Industries, Inc.

KB Industries Inc. Sole Source Justification

General Information HD 2000

Product Description: A heavy duty, flexible, porous surfacing designed to be used as paving material in low-speed applications. Made from recycled rubber passenger tires and aggregate. Made from 3/8" recycled rubber granule and 3/8" nominal dry aggregate which is bonded together with a proprietary single component moisture-cured urethane.

Features	Benefits
<i>Porous</i>	<ul style="list-style-type: none"> • Reduces the need for separate retention areas. • Increases usable square footage on your site. • Increases potential building size and parking areas • Reduces puddles in low-lying areas
<i>Impact-Absorbing Surface</i>	<ul style="list-style-type: none"> • Reduces injuries.
<i>Slip-Resistant</i>	<ul style="list-style-type: none"> • Reduces slip and fall accidents.
<i>Resistant to Freeze/Thaw Conditions</i>	<ul style="list-style-type: none"> • Reduces maintenance costs.
<i>Resistant to separation and cracking</i>	<ul style="list-style-type: none"> • Reduces liability claims caused from "trip & fall" by root intrusion.
<i>Customized Colors Available</i>	<ul style="list-style-type: none"> • Many design possibilities.

Key Reasons for Sole Source

- Proprietary binding agent(urethane)
 - XFP 75* is developed and manufactured exclusively for KBI Inc.
- Flexi-Process
 - The Flexi Possess* is the method in which Flexi-Pave is installed and developed by KBI , Inc. and installed by certified and licensed KBI Inc. crews.



 Kevin Bagriall
 Founder, President & CEO

*Patten and application is currently in process



FLEXI-PAVE PROPOSAL

K.B. Industries, Inc.
 28100 US Hwy. 19 N, Suite 410
 Clearwater, FL 33761
 Tel: (727) 723-3300 ■ Fax: (727) 723-3600

Date: *May 14, 2009*
 Proposal #: *10785*
 Install Date: *June 15, 2009*
 KBI Contact: *Mike Williams*
 KBI Contact Number: *(407) 832-4630*

CLIENT / OWNER:

Janet Muccino
 City of Key West
 633 Palm Avenue
 Key West, FL 33040
 Tel: (305) 809-3867 Fax: (305) 296-6152
jmuccino@keywestcity.com

City of Key West GPP
 633 Palm Avenue
 Key West, FL 33040

DESCRIPTION OF PROJECT WORK: *Green Partnership Program (GPP)*

SCOPE OF WORK:
 1. *GPP Training and Certification*

Line #	Unit	Product	Color	Description	Unit Price	Total
1	1			KBI Green Partnership Program Qualified Training	\$ 5,000.00	\$ 5,000.00
2	4,000	HD2000	TBD	KBI Flexi™-Pave Material	\$ 5.35	\$ 21,400.00

Upon acceptance of this proposal with your signature below, it is acknowledge you have read the Product Specification Sheet for the KBI Flexi™-Process product quoted in this proposal.

GPP Training	\$ 5,000.00
Materials	\$ 21,400.00
Florida Sales Tax	Exempt
Mobilization	\$ -
Total	\$ 26,400.00
Freight	\$ 3,005.91
Grand Total	\$ 29,405.91

Signature _____ Title _____

Printed Name: _____ Date: _____

PAYMENT TERMS

100% of freight and material due upon proposal acceptance with balance due net 30 upon completion of KBI's portion of work.

***Freight rates are valid for 30 days from proposal date and are subject to change without notice.**



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MEMORANDUM

TO: JIM SCHOLL

FR: SUE SNIDER

A handwritten signature in black ink, appearing to read "Sue Snider", is positioned to the right of the "FR:" line.

DA: June 30, 2009

DA: FLEXI-PAVE PROCUREMENT

I have reviewed the above captioned package and determined that provisions have been met under Section 2-844 (Brand name specifications) and that this procurement shall be made under the sole source procurement provisions of section 2-797(1)(b). I have conducted a good faith review of available sources, and determined KMI is the only source for Flexi-Pave product and training.