

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AN EMERGENCY CHANGE ORDER DATED JUNE 8, 2020 APPROVED BY THE CITY MANAGER AS PROVIDED FOR UNDER SECTION 2-797(2) AND SECTION 2-845 OF THE CODE OF ORDINANCES IN A TOTAL AMOUNT OF \$32,626.00 TO THE "PROPOSAL FOR A VOLUNTARY SOURCE REMOVAL COLLEGE ROAD AFFORDABLE HOUSING PROJECT BETWEEN TETRA TECH, INC. AND THE CITY OF KEY WEST" (PETROLEUM CONTAMINATION REMEDIATION); 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), approved by the Florida Department of Environmental Protection (FDEP), there were areas identified in the "Mosquito Control" portion of the site that exceed Residential Direct Exposure and Leachability Based Soil Cleanup Target Levels, and necessitate voluntary removal of the identified petroleum contaminated soil; and

WHEREAS, in Resolution 19-332, the City authorized Tetra Tech's Source Removal Plan for petroleum contaminated soil; and

WHEREAS, in Resolution No. 14-359, the City Commission approved a three-year Environmental Engineering Services contract with Tetra Tech, Inc. in Resolution 17-299 the contract was extended for an additional two years, and in Resolution 20-039 a new three-year contract was approved; and

WHEREAS, due to contaminated soil beyond the boundary of the original contract, Tetra Tech, with staff agreement, identified a need to excavate an additional 170.74 tons of soil at a cost of \$25,986.00, and a requirement to provide specific environmental procedures related to ground water for the contractor to follow during the construction phase at a cost of \$6,640.00; and

WHEREAS, the requested change order represents more than 5% of the total contract value of the project, and Section 2-845 of the Code of Ordinances requires City Commission approval of any change order in excess of five percent of any public service building or capital improvement project; and

WHEREAS, the City Manager acted without delay, using emergency powers authorized under Section 2-797(2), best interests, and Section 2-845 of the City's Code of Ordinances, to authorize and procure the necessary change order for additional petroleum soil removal and Development Technical Support to ensure public safety and welfare; and

WHEREAS, Section 2-797(2) of the 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 emergency change order signed June 8, 2020 by the City Manager, pursuant to Section 2-797(2) of the Code of Ordinances, for additional services to the "Proposal for a Voluntary Source Removal - College Road Affordable Housing Project" between Tetra-Tech, Inc. and the City of Key West in the total amount of \$32,626.00 is hereby ratified pursuant to section 2-845 and 2-797(2) of the Code of Ordinances.

Section 2: That this expenditure 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 change order, 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