

RESOLUTION NO. 14-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING THE EMERGENCY AWARD OF BID IN RESPONSE TO ITB 13-023 (PROJECT OM1302) TO DN HIGGINS, INC. FOR MOLE PIER FENDER REPLACEMENT IN A TOTAL AMOUNT NOT TO EXCEED \$219,700.00, PURSUANT TO SECTION 2-797(2) OF THE CODE OF ORDINANCES; RATIFYING AN EMERGENCY BUDGET TRANSFER; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West leases from the United States of America through the Department of the Navy a section of the Navy Outer Mole Pier for the specific purpose of cruise ship berthing; and

WHEREAS, in lieu of rent payments to the Navy for use of the Mole Pier, the City has agreed to perform certain in-kind projects, including the fender replacement work contemplated in ITB 13-023; and

WHEREAS, the cost of this project will be covered as an in-kind service through the Navy Mole Lease funds; and

WHEREAS, to fully use funds authorized before expiration of the previous Mole Pier Lease on June 30, 2013, an emergency procurement was authorized by the City Manager, pursuant to section 2-797(2) of the Code of Ordinances; and

WHEREAS, on October 9, 2013, bids submitted in response to ITB 13-023 were opened, and D.N. Higgins, Inc. provided the lowest responsive bid; and

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

Section 1: That the emergency award of bid in response to ITB 13-023 to D.N. Higgins, Inc. is hereby ratified in an amount not to exceed \$219,700.00 for Mole Pier Fender Replacement, pursuant to section 2-797(2) of the Code of Ordinances.

Section 2: That necessary budget transfers from Navy Outer Mole Payments Reserves Account #602-1900-519-98-06 to Navy Repairs and Maintenance Account #602-1900-519-46-00 to fund the project number set forth in ITB 13-023, and Navy In-Kind letter 11011 OPDBRM/0010, dated January 25, 2013, and the attached letter from the Navy dated June 7, 2013, are hereby ratified.

Section 3: That the City Manager is authorized to execute any contractual documents, with the advice and consent of the City Attorney, that are consistent with ITB 13-023 and the approval granted herein.



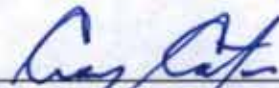
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 5th day of August, 2014.

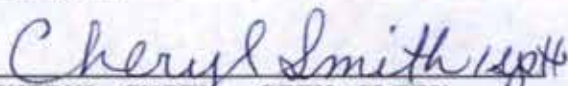
Authenticated by the Presiding Officer and Clerk of the Commission on 6th day of August, 2014.

Filed with the Clerk on August 6, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>

  
\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

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

MEMORANDUM

## EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager  
Sarah Spurlock, Asst. City Manager  
James Bouquet, P.E., Director of Engineering

**FROM:** Terrence Justice, Engineering

**DATE:** July 7, 2014

**RE:** **Ratify an emergency Budget Transfer, Award ITB 13-023 to D. H. Higgins, Inc. in the amount of \$219,700.00 for Mole Pier Fender Replacement, a Navy In-Kind Project.**

### ACTION STATEMENT:

This resolution will ratify an emergency Budget Transfer, award the bid of **D. N. Higgins, Inc.** in response to ITB 13-023 in a total amount not to exceed \$219,700 for "Mole Pier Fender Replacement" and authorize the City Manager's execution of a contract for services.

This Navy In-Kind project falls under Government Goal #3 of the 2011 Strategic Plan, Team Key West – Cooperative planning efforts of among organizations, businesses and all governments.

### BACKGROUND:

Invitation to Bid (ITB) 13-023 was advertised on September 26, 2013 and bids were opened on October 9, 2013. The lowest bid was received from D. N. Higgins, Inc. (Higgins) in the amount of \$219,700.00. Copies of these bid forms and Interoffice Memorandum dated October 10, 2013 summarizing the bid results are attached.

In lieu of rent payments to the Navy for the use of the Mole pier, the City of Key West (City) has agreed to perform certain In-Kind Projects. This project was requested by the Navy via In-kind Letter 11011 OPDBRM/0010 dated January, 25, 2013 which authorized a not-to-exceed cost of \$300,000.

ITB 13-023 Mole Pier Fender Replacement was advertised in The Key West Citizen,

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



DemandStar, and the City's web site. Two bids were received and both deemed responsive; however, only the lowest bid was within the Navy's authorized not-to-exceed for this In-Kind project. The Navy authorized use of in-kind funds for this project (not to exceed \$300,000) ITB 13-023 Mole Pier Fender Replacement in accordance with the attached letter dated June 7, 2013.

#### **PURPOSE AND JUSTIFICATION**

The existing fenders and associated mounting hardware (e.g., chains and shackles) are in poor condition and require replacement. The project was requested by the Navy to be performed using available In-Kind funds. To fully utilize those funds before expiration of the previous Mole Pier Lease on June 30, 2013, an emergency procurement was authorized by the City Manager under emergency procurement provisions of the Municipal Code of the City of Key West (Section 2-797 subpart 2). Refer to the attached memorandum Emergency Procurement- OM1302 Mole dated June 26, 2013 as signed by the City Manager.

#### **FINANCIAL IMPACT:**

Budget Transfer: Navy In-Kind funds in the amount \$300,000 have been reallocated from account #602-1900-519.98-06 (Navy Outer Mole Payments Reserves) to #602-1900-519.46-00 to fully fund Project OM1302. This action will ratify the Budget Transfer.

#### **RECOMMENDATION:**

Staff recommends that the City Commission award this contract to D. N. Higgins, Inc. in the amount of \$219,700 and ratify the associated budget transfer.