

RECEIVED

10/01/12

CITY MANAGER

**CITY OF KEY WEST
PURCHASING ORDINANCE EXCEPTION RECORD**

DEPARTMENT: Engineering Services

ITEM: Post TS Isaac Surveys HU 1301

REQUISITION: Smathers 87102, Rest 87106, Dog 87116, South 87118

COST: \$24,874.00 (total for 4 beach surveys please see attached breakdown)

VENDOR: Atkins North America

- () Sole Source Procurement (CKW 2 - 797) (1)
(x) Emergency Procurement (CKW 2 - 797) (2)
() Purchases & Acquisitions under federal/state/ local govt. (CKW 2 - 797) (3)
() Exempt contractual services (CKW 2 - 797) (4)
() Other

This emergency purchase exemption is for Post TS Isaac beach surveys for Smathers, Rest, and South & Dog. Atkins North America will perform the surveys under their current contract for engineering services. Total exceeds \$20,000 and will require after-the-fact City Commission approval.
Each beach survey will have a separate purchase order, see attached task order breakdown

AUTHORIZATION:

DEPARTMENT: OR

DATE: 10-31-12

FINANCE: MD

DATE: 11/1/12

CITY MANAGER: Randy DA

DATE: 11/1/12

DISPOSITION:

11/2/12 907
() MANAGEMENT & FINANCE APPROVAL UP TO \$1,000.00
(x) CITY MANAGER APPROVAL UP TO \$20,000.00
() CITY COMMISSION APPROVAL RESOLUTION: _____ DATE: _____

KEY WEST
DIVISION
CITY MANAGER



THE CITY OF KEY WEST

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

MEMORANDUM

To: Bob Vitas, CM
David Fernandez, ACM
Mark Finigan, ACM

From: Janet Muccino, PM

Date: 11/01/2012

Reference: Declaration of Emergency Procurement in Excess of \$20,000 to
Fund Post TS Isaac Beach Surveys by Atkins North America not to
exceed \$24,874

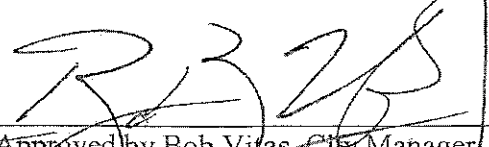
City Code Section 2-797 (2) authorizes the City Manager to make emergency procurement of commodities or contractual services where the cost exceeds \$20,000 when there exists a clear and present threat to public health, property, safety, or other substantial loss to the City, including cases where a natural disaster has occurred, is occurring, or is imminently threatening.

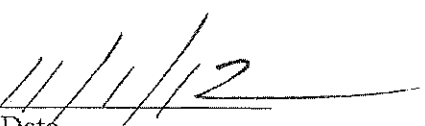
Allow the emergency \$24,874 purchase of four beach/berm surveys (Smathers, Rest, Dog & South beaches) from Atkins North America, to document for FEMA disaster recovery services, the extent of beach erosion resulting from the Impact of Tropical Storm Isaac during August 27-29 of this year.

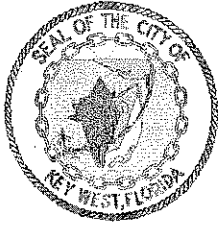
Tropical Storm Isaac impacted our community, resulting in damages estimated at \$1.2m. The vast majority of that damage is attributed to severe erosion of four of the City's beaches (Smathers, Rest, Dog & South), representing 86% of total storm damages (\$1.03m).

On October 19, President Obama declared Monroe County – and by default, the City of Key West – a federal disaster area. As a result, costs associated with this disaster recovery are eligible for reimbursement (at 86.5%), so long as procedures remain in compliance with federal code and FEMA's relevant rules and regulations.

We will seek City Commission after-the-fact ratification of this repair.


Approved by Bob Vitas, City Manager


Date 11/1/12

**CITY OF KEY WEST**

P.O. BOX 1409
KEY WEST, FL 33041-1409
PHONE: 305-809-3700

PURCHASE ORDER**P.O. #:** 073044**DATE:** 11/6/2012

VENDOR #: 9672
VENDOR: ATKINS
ADDRESS: 2001 NW 107 AVENUE
MIAMI, FL 38172


SHIP TO: ENGINEERING SERVICES
3140 FLAGLER
KEY WEST, FL 33040

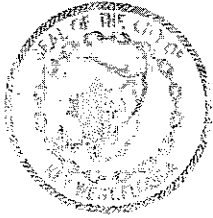
VENDOR PHONE: (305)592-7275**VENDOR FAX:** (305)594-9574

THE P.O. # MUST APPEAR ON ALL INVOICES, PACKAGES, AND CORRESPONDANCE

SPECIAL INSTRUCTIONS				
ADAM R GELBER				
DELIVER BY	REQUISITION #	REQUISITION DATE	REQUISITIONED BY	
11/01/2012	0000087116	10/31/2012	JANET MUCCINO	
FOB	ACCOUNT NUMBER	PROJECT NUMBER	TERMS	
KEY WEST, FL	00119105193400	HU1301	45 DAYS FROM RECEIPT OF INVOICE	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE	UNIT COST	EXTENDED COST

1	DOG BEACH POST ISAAC SURVEY	4,121.0000	4,121.00
	1.00 / DL		

TOTAL PURCHASE AMOUNT**\$4,121.00**
AUTHORIZED SIGNATURE

**CITY OF KEY WEST**

P.O. BOX 1409
KEY WEST, FL 33041-1409
PHONE: 305-809-3700

PURCHASE ORDER**P.O. #:** 072993**DATE:** 11/5/2012

VENDOR #: 9672
VENDOR: ATKINS
ADDRESS: 2001 NW 107 AVENUE
MIAMI, FL 38172

SHIP TO: ENGINEERING SERVICES
3140 FLAGLER
KEY WEST, FL 33040


VENDOR PHONE: (305)592-7275
VENDOR FAX: (305)594-9574

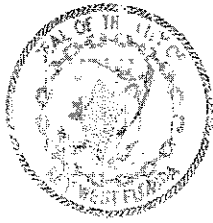
THE P.O. # MUST APPEAR ON ALL INVOICES, PACKAGES, AND CORRESPONDANCE

SPECIAL INSTRUCTIONS				
ADAM R GELBER				
DELIVER BY	REQUISITION #	REQUISITION DATE	REQUISITIONED BY	
11/05/2012	0000087102	10/31/2012	JANET MUCCINO	
FOB	ACCOUNT NUMBER	PROJECT NUMBER	TERMS	
KEY WEST, FL	00119105193400	HU1301	45 DAYS FROM RECEIPT OF INVOICE	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE	UNIT COST	EXTENDED COST

1	SMATHERS POST TA ISSAC SURVEY	8,791.0000	8,791.00
1.00 / DL			

TOTAL PURCHASE AMOUNT**\$8,791.00**


AUTHORIZED SIGNATURE

**CITY OF KEY WEST**

P.O. BOX 1409
KEY WEST, FL 33041-1409
PHONE: 305-809-3700

PURCHASE ORDER**P.O. #:** 072994**DATE:** 11/5/2012

VENDOR #: 9672
VENDOR: ATKINS
ADDRESS: 2001 NW 107 AVENUE
MIAMI, FL 38172

SHIP TO: ENGINEERING SERVICES
3140 FLAGLER
KEY WEST, FL 33040

VENDOR PHONE: (305)592-7275**VENDOR FAX:** (305)594-9574

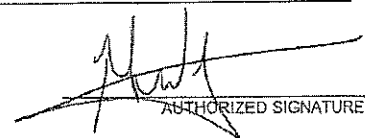
THE P.O. # MUST APPEAR ON ALL INVOICES, PACKAGES, AND CORRESPONDANCE

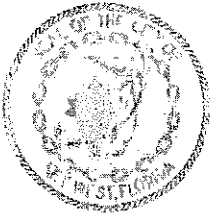
SPECIAL INSTRUCTIONS				
ADAM R GELBER				
DELIVER BY	REQUISITION #	REQUISITION DATE	REQUISITIONED BY	
11/01/2012	0000087106	10/31/2012	JANET MUCCINO	
FOB	ACCOUNT NUMBER	PROJECT NUMBER	TERMS	
KEY WEST, FL	00119105193400	HU1301	45 DAYS FROM RECEIPT OF INVOICE	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE	UNIT COST	EXTENDED COST

1 REST BEACH POST ISSAC SURVEY
1.00 / DL

7,139.0000 7,139.00

TOTAL PURCHASE AMOUNT**\$7,139.00**


AUTHORIZED SIGNATURE

**CITY OF KEY WEST**

P.O. BOX 1409
KEY WEST, FL 33041-1409
PHONE: 305-809-3700

PURCHASE ORDER

P.O. #: 072995

DATE: 11/5/2012

VENDOR #: 9672
VENDOR: ATKINS
ADDRESS: 2001 NW 107 AVENUE
MIAMI, FL 38172


SHIP TO: ENGINEERING SERVICES
3140 FLAGLER
KEY WEST, FL 33040

VENDOR PHONE: (305)592-7275
VENDOR FAX: (305)594-9574

THE P.O. # MUST APPEAR ON ALL INVOICES, PACKAGES, AND CORRESPONDANCE

SPECIAL INSTRUCTIONS				
ADAM R GELBER				
DELIVER BY	REQUISITION #	REQUISITION DATE	REQUISITIONED BY	
11/01/2012	0000087118	10/31/2012	JANET MUCCINO	
FOB	ACCOUNT NUMBER	PROJECT NUMBER	TERMS	
KEY WEST, FL	00119105193400	HU1301	45 DAYS FROM RECEIPT OF INVOICE	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE	UNIT COST	EXTENDED COST

1		SOUTHE BEACH POST TS ISSAC SURVEY		
	1.00 / DL		4,823.0000	4,823.00

TOTAL PURCHASE AMOUNT**\$4,823.00**
AUTHORIZED SIGNATURE



EXECUTIVE SUMMARY

TO: Bob Vitas, City Manager
Mark Finigan, Asst. City Mgr.
David Fernandez, Asst. City Mgr.

FROM: Scott Fraser, FEMA Coordinator

DATE: October 31, 2012

RE: Disaster Recovery Emergency Procurement – Beach Surveys

Action statement:

This action would:

- Authorize an emergency purchasing exception under Sec. 2-797(2) of City ordinances, allowing for the procurement of services in excess of the \$20,000 cap normally requiring advance approval by the City Commission, and seek ratification of this action by the Commission during its next scheduled meeting.
- Allow the emergency \$24,874 purchase of four beach/berm surveys (Smathers, Rest, Dog & South beaches) from Atkins North America, to document for FEMA disaster recovery services, the extent of beach erosion resulting from the impact of Tropical Storm Isaac during August 27-29 of this year.

Background:

During the weekend of August 27-29, Tropical Storm Isaac impacted our community, resulting in damages estimated at \$1.2m. The vast majority of that damage is attributed to severe erosion of four of the City's beaches (Smathers, Rest, Dog & South), representing 86% of total storm damages (\$1.03m).

On October 19, President Obama declared Monroe County – and by default, the City of Key West – a federal disaster area. As a result, costs associated with this disaster recovery are eligible for reimbursement (at 86.5%), so long as procedures remain in compliance with federal code and FEMA's relevant rules and regulations.

Purpose:

A FEMA Team is scheduled to arrive next week on Wednesday, Nov. 7, to begin evaluating and issuing disaster recovery grants.

It's imperative FEMA's initial issuance of these grants be appropriately valued, for costs both known and anticipated. When determining the appropriate funding levels, FEMA looks to

independent written estimates for known costs, and extended costs based upon documented projected costs for materials and services.

FEMA requires independent pre-storm and post-storm surveys of the beaches, a comparison of which will determine storm related erosion damage. Pre-storm surveys are in-hand; this authorization is for the post-storm surveys. With these known survey costs and notice to proceed issued to a pre-qualified contractor, FEMA will be more inclined to include these full costs in its initial grant authorizations.

As a result, these amounts will be eligible for reimbursement soon after the funds are expended. If not initially included at full value, the under-valued portions of these costs will likely need to wait for final FEMA project closeout, delaying reimbursement upwards of one year. Furthermore, recent history has shown, specific disaster recovery funds wane as time progresses, with earlier reimbursement submissions having a much greater likelihood of reimbursement than those occurring at the much later final project closeout stage.

It is absolutely critical, the City commit to these costs, irrespective of the potential for federal reimbursement. Any effort to make expenditures contingent upon federal reimbursement will result in the immediate disqualification of all related disaster recovery funding.

Facts in support of an Emergency Procurement:

1. Sec. 2-797(2) of City ordinances allows for such emergency procurements, with City Commission ratification at its next scheduled meeting

1. *Excerpt: Sec. 2-797. - Exemptions.*

1. *The following are exempt from the requirements of formal competitive procurement:*
 2. *(2) Emergency procurement. The city manager may make emergency procurement of commodities or contractual services where the cost exceeds \$20,000.00 when there exists a clear and present threat to public health, property, welfare, safety or other substantial loss to the city, including cases where a natural disaster has occurred, is occurring, or is imminently threatening. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of the emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the commodity or contractual service procured under the contract, and the number of the purchase order, if any. All emergency procurement in excess of \$20,000.00 shall be ratified by the city commission at the next scheduled city commission meeting.*
 2. This erosion damage is directly related to a federally declared natural disaster.
 3. This erosion damage was "substantial" and is expected to incur repair costs upwards of \$1m.
 4. The costs to repair this damage are beyond the normal City resources.
 5. Failure to address these repairs in a timely manner will have greater economic impacts upon the community and it's tourist based economy as a whole.

6. FEMA will require the requested surveys to effectively demonstrate the anticipated repair costs.
7. The cost of these emergency surveys will be known in time for FEMA's visit next week, and thus can be included in the forthcoming initial issuance of the disaster recovery grants.
8. For cash flow purposes, it's imperative that as many known costs be included in the initial grant issuance, so expenses can be reimbursed as costs are incurred. If the grant is undervalued on its initial issuance, recovering costs in excess of the amount originally issued can take nearly one year longer.
 1. The later reimbursement is requested, the less likely disaster funding will still exist.
9. This procurement will be obtained from a contractor having already been subjected to the city's competitive RFQ procedures.

City Actions:

Authorize the emergency procurement exception of \$24,874 worth of surveying services from pre-qualified vendor Atkins North America for Smathers, Rest, Dog and South beaches/berms.

Additional services for the oversight and final as-built renderings are not of an emergent nature, and thus may follow the regular non-emergency procurement procedures. However, the quotation of these future services are presently being sought so as to be included in the initial FEMA grants expected next week.

Options/ advantages/ disadvantages:

Option 1. Authorize the emergency procurement exception under local ordinance Sec. 2-797(2):

a. Advantages:

1. Much greater likelihood of FEMA including these costs at full value in its initial disaster recovery grants expected next week.
2. Demonstrate the City is moving ahead with these repairs irrespective of any potential federal reimbursement – a critical requirement for funding.
3. Improved cash flow with 86.5% of these costs eligible for federal reimbursement soon after expended rather than waiting for project conclusion, before these federal funds are exhausted.
4. Doesn't result in any additional costs that wouldn't need to be expended anyway as a result of damage from Tropical Storm Isaac.

b. Disadvantages:

1. None identified

Option 2. Opt not to authorize this emergency services procurement:

c. Advantages:

1. None identified, as these costs are already necessitated by damage resulting from Tropical Storm Isaac.

d. Disadvantages:

1. Failure to address these repairs in a timely manner will have greater economic impacts upon the community and its tourist based economy as a whole.
2. May result in delayed reimbursement if not included at full value in the initial disaster recovery grants to expected to be issued next week.
3. Reimbursements delayed until final project closeout, often become subject to limited remaining federal disaster funds, and become subject to extensive congressional delays awaiting disaster fund renourishment.

Financial impact:

Although unanticipated, these costs have now become necessary as a result of damage occurring from Tropical Storm Isaac. Better these costs become eligible for federal disaster recovery grants, lest the already depressed local tax base be further impacted.

Independent documentation of known and anticipated costs greatly improves the City's cash flow, with potential reimbursements eligible at the front end of the project rather than at the back end, if included in the initial grant values.

Recommendation:

Staff recommends Option #1,

ATTACHMENTS:

- A. Vendor quotation from Atkins North America
- B. Purchasing Exception Form/Request
- C. Two photographs, Rest Beach erosion



Figure 1: Rest Beach storm erosion of beach & protective berm

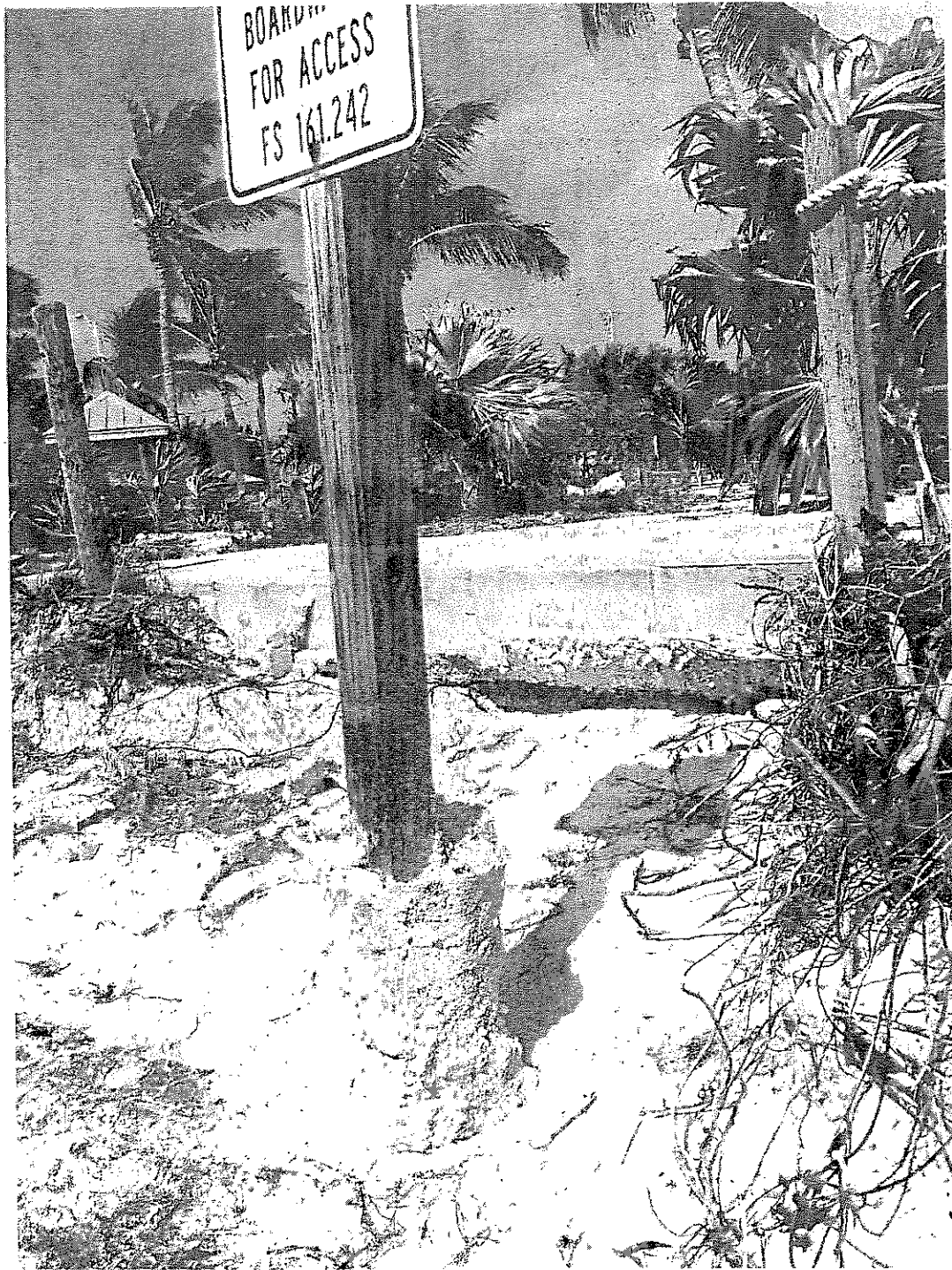


Figure 2: Rest Beach storm erosion. Original beach level denoted by discoloration of wooden post.

Emergency Survey 2012 - Smathers Beach
Resolution 11-051 Task Order #09

Task	Category	Rodperson II	Instrument Operator I	Tech I	Tech II	Sr Tech I	Sr Tech II	Sr Tech III	Sr Tech IV	Sr Tech V	PTT/Sr. Div Manager	Hours	Cost
1.0 - Emergency Hydrographic Data		\$29.00	\$47.00	\$55.00	\$75.00	\$90.00	\$110.00	\$125.00	\$150.00	\$175.00	\$200.00		
1.1 Topographic/Bathymetric Survey - Smathers Beach													
1.1.1 Establish Survey Controls and Data Collection		20	20		20	20						80	\$4,320.00
1.1.2 Deliver DTM Map (signed and sealed) and delta							16		3		3	22	\$2,310.00
											Subtotal	102	\$7,630.00
											Total Labor	102	\$7,630.00
											Total Expenses		\$1,161.00
											Total		\$8,791.00

Notes:

- 1) The categories and rates are derived from Resolution 11-051
- 2) Fees will be billed on a time charge basis.

Emergency Survey 2012 - Smathers Beach
Resolution 11-051 Task Order #09

Item	Unit	Unit Price	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6
Per Diem	day	\$42.00	\$336.00					
Mileage	mile	\$0.49	\$125.00					
Plane	R/T	At cost						
Tolls	Each	at cost						
Accommodations	per/nite	\$175.00	\$700.00					
Iron Boat w/ outboard	day	\$50.00						
Boat to 20'	1/2 day	\$200.00						
Boat to 20'	day	\$350.00						
Boat greater than 20'	day	at cost						
Snorkel Gear	day	\$15.00						
SCUBA Equipment	day	\$40.00						
Geotech Sub	Samples	\$250.00						
Misc Field Supplies	each	\$100.00						
Subtotal			\$1,161.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total								\$1,161.00

Notes:

Per Diem - Four crew for two days

Accommodations - Four crew four rooms for one night

Emergency Survey 2012 - Rest Beach
Resolution 11-051 Task Order #10

Task	Category	Rodperson II	Instrument Operator I	Tech I	Tech II	Sr Tech I	Sr Tech II	Sr Tech III	Sr Tech IV	Sr Tech V	PTP/Sr. Div Manager	Hours	Cost
1.0 - Emergency Hydrographic Data		\$29.00	\$47.00	\$55.00	\$75.00	\$90.00	\$110.00	\$125.00	\$150.00	\$175.00	\$200.00		
1.1 Topographic/Bathymetric Survey - Rest Beach													
1.1.1 Establish Survey Controls and Data Collection		16	16		16	16						64	\$3,856.00
1.1.2 Deliver DTM Map (signed and sealed) and delta							12		3		3	18	\$2,370.00
											Subtotal	82	\$6,226.00
											Total Labor	82	\$6,226.00
											Total Expenses		\$913.00
											Total		\$7,139.00

Notes:

- 1) The categories and rates are derived from Resolution 11-051
- 2) Fees will be billed on a time charge basis.

Emergency Survey 2012 - Rest Beach
Resolution 11-051 Task Order #10

Item	Unit	Unit Price	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6
Per Diem	day	\$42.00	\$168.00					
Mileage	mile	\$0.49	\$45.00					
Plane	R/T	At cost						
Tolls	Each	at cost						
Accommodations	per/nite	\$175.00	\$700.00					
Jon Boat w/ outboard	day	\$50.00						
Boat to 20'	1/2 day	\$200.00						
Boat to 20'	day	\$350.00						
Boat greater than 20'	day	at cost						
Snorkel Gear	day	\$15.00						
SCUBA Equipment	day	\$40.00						
Geotech Sub	Samples	\$250.00						
Misc Field Supplies	each	\$100.00						
Subtotal			\$913.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			Total					
			\$913.00					

Emergency Survey 2012 - Dog Beach
Resolution 11-051 Task Order #11

Task	Category	Rodperson II	Instrument Operator I	Tech I	Tech II	Sr Tech I	Sr Tech II	Sr Tech III	Sr Tech IV	Sr Tech V	PTP/Sr. Div Manager	Hours	Cost
1.0 - Emergency Hydrographic Data													
3.1 Topographic/Bathymetric Survey - Dog Beach													
2.1.1 Establish Survey Controls and Data Collection		8	8		8							32	\$1,928.00
2.1.2 Deliver DTM Map (signed and sealed)							8		3		1.5	12.5	\$1,630.00
											<i>Subtotal</i>	<i>44.5</i>	<i>\$3,558.00</i>
											<i>Total Labor</i>	<i>45</i>	<i>\$3,558.00</i>
											<i>Total Expenses</i>		<i>\$563.00</i>
											<i>Total</i>		<i>\$4,121.00</i>

Notes:
1) The categories and rates are derived from Resolution 11-051
2) Fees will be billed on a time charge basis.

Emergency Survey 2012 - Dog Beach
Resolution 11-051 Task Order #11

Item	Unit	Unit Price	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6
Per Diem	day	\$42.00	\$168.00					
Mileage	mile	\$0.49	\$45.00					
Plane	R/T	At cost						
Tolls	Each	at cost						
Accommodations	per/nite	\$175.00	\$350.00					
Jon Boat w/ outboard	day	\$50.00						
Boat to 20'	1/2 day	\$200.00						
Boat to 20'	day	\$350.00						
Boat greater than 20'	day	at cost						
Snorkel Gear	day	\$15.00						
SCUBA Equipment	day	\$40.00						
Geotech Sub	Samples	\$250.00						
Misc Field Supplies	each	\$100.00						
Subtotal			\$563.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total \$563.00

Notes:

Per Diem - Four crew for one day

Accommodations - Four crew two rooms for one night

Resolution 11-051 Task Order #12

Notes:
1) The categories and rates are derived from Resolution 11-051
2) Fees will be billed on a time charge basis.

Emergency Survey 2012 - South Beach

Resolution 11-051 Task Order #12

Item	Unit	Unit Price	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6
Per Diem	day	\$42.00	\$168.00					
Mileage	mile	\$0.49	\$45.00					
Plane	R/T	At cost						
Tolls	Each	at cost						
Accommodations	per/nite	\$175.00	\$350.00					
Jon Boat w/ outboard	day	\$50.00						
Boat to 20'	1/2 day	\$200.00						
Boat to 20'	day	\$350.00						
Boat greater than 20'	day	at cost						
Snorkel Gear	day	\$15.00						
SCUBA Equipment	day	\$40.00						
Geotech Sub	Samples	\$250.00						
Misc Field Supplies	each	\$100.00						
<i>Subtotal</i>			\$563.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			Total					
			\$563.00					

Notes:

Per Diem - Four crew for one day

Accommodations - Four crew two rooms for one night