

RESOLUTION NO. 11-243

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE IV - VIRGINIA STREET SIDEWALKS AND APPLEROUTH LANE SIDEWALKS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL DECEMBER 31, 2011; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution #09-311, the City Commission awarded a contract to Charley Toppino and Sons, Inc. for the Sidewalk Enhancements Phase IV - Virginia Street Sidewalks and Applerouth Land Sidewalks Project; and

WHEREAS, in Resolution 11-035, the contract was extended to August 24, 2011; and

WHEREAS, survey and review issues, beyond the control of the contractor, have delayed completion of the project, and upon the contractor's request, City staff determined that it is in the best interests of the citizens of Key West to extend the contract an additional 128 days, to December 31, 2011, on a no-cost basis;

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

Section 1: That the contract between the City of Key West and Charley Toppino and Sons, Inc. for Sidewalk Enhancements Phase IV - Virginia Street Sidewalks and Applerouth Lane Sidewalks Project, is hereby extended to December 31, 2011 on a no-cost basis. All other terms and conditions shall remain in full force and effect.

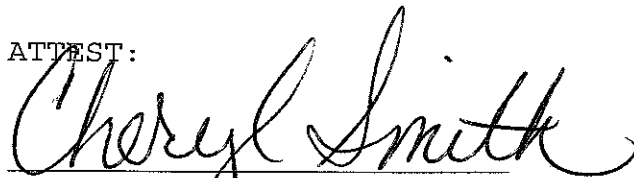
Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 6th day of September, 2011.

Authenticated by the presiding officer and Clerk of the Commission on September 7, 2011.

Filed with the Clerk September 7, 2011.

ATTEST:


CHERYL SMITH, CITY CLERK


CRAIG CATES, MAYOR



THE CITY OF KEY WEST

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

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EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager
E. David Fernandez, Asst. City Manager – Operations
Doug Bradshaw, Senior Project Manager

FROM: Karen Olson, Special Projects Designer

DATE: August 19, 2011

RE: Extending the contract days for Sidewalk Enhancements
Phase IV – Virginia Street Sidewalks and Applerouth Lane
Sidewalks

ACTION STATEMENT:

This resolution will authorize a one hundred twenty-eight (128) day extension to the contract with Charley Toppino and Sons, Inc. for Sidewalk Enhancements Phase IV – Virginia Street Sidewalks and Applerouth Lane Sidewalks. The original contract time was 360 days with a 200 day extension (Res. #11-035) for design/build with a contract completion date of August 24, 2011. The proposed contract completion date is December 31, 2011.

BACKGROUND:

The design and construction for this project will be reimbursed 100% through an FDOT Local Area Program (LAP) grant for design/construction. This grant is funded by the American Recovery and Reinvestment Act of 2009, commonly referred to as stimulus funding.

The American Recovery and Reinvestment Act (ARRA) of 2009 was signed by President Obama on February 17, 2009. The ARRA is an unprecedented effort to jumpstart our economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges so that our country can thrive in the 21st century. This legislation will pay for needed transportation improvements while providing jobs and other economic benefits. The City has been actively seeking these funds to assist our local economy and to improve local infrastructure. We were able to obtain funding for thirteen Sidewalk Enhancement projects through this federal legislation.

PURPOSE AND JUSTIFICATION:

Determination of the ROW line along Virginia has been very difficult due to numerous discrepancies between City/County tax maps/plats and property

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

boundary surveys as well as a lack of property monumentation along the road corridor in this older section of Key West. Charley Toppino & Sons have been working closely with City staff in order to determine the best course of action on how to address these survey and possible encroachment issues. A survey for Virginia has been completed and is in the process of being reviewed by the area residents and the design is moving forward. However, the difficulty and the amount of time it took to create the survey could not have been foreseen.

Applerouth Lane review responses were submitted to FDOT on July 5, 2011 and we still have not received approval. We have recently learned that the FDOT LAP coordinator for our projects has been reassigned. This has placed some uncertainty to the review/approval process duration.

Per the attached contract time extension request from Charley Toppino and Sons, dated August 19, 2011, the new contract completion date would be December 31, 2011.

OPTIONS / ADVANTAGES / DISADVANTAGES:

1. Approve the one hundred twenty-eight (128) day contract time extension due to unexpected survey and review issues. The new contract completion date will be December 31, 2011.
2. Do not approve the one hundred twenty-eight (128) day contract time extension. The contract completion date will remain as August 24, 2011 and liquidated damages of \$580.00 per day will be imposed for Virginia Street and \$313.00 per day will be imposed for Applerouth Lane.

FINANCIAL IMPACT:

There are no financial impacts.

RECOMMENDATION:

1. Staff recommends that the City Commission select option 1, approve the one hundred twenty-eight (128) day contract time extension due to unexpected survey and review issues. The new contract completion date will be December 31, 2011.

CHARLEY TOPPINO & SONS, INC.

P.O. BOX 787 KEY WEST, FLORIDA 33041 (305) 296-5606 FAX (305) 296-5189

Karen Olsen
Special Projects Designer
City of Key West
August 19, 2011

SW ENHANCEMENT PROJECT
PHASE IV: EN-0907, EN0908
LAP FM#: 426517, 426518-1
VIRGINIA ST / APPLEROUTH LANE

SUBJECT: TIME EXTENSION REQUEST: ARRA 2009 SIDEWALK ENHANCEMENT PROJECT
PHASE IV- VIRGINIA ST / APPLEROUTH LANE

Karen,

The purpose of this letter is to request a time extension for Phase IV of the Sidewalk Enhancement Project. The following is a summary of events and conditions pertaining to Virginia St and Applerouth Lane.

Determination of the ROW line along Virginia has been very difficult due to numerous discrepancies between City/County tax maps/plats and property boundary surveys as well as a lack of property monumentation along the road corridor in this older section of Key West. Our initial survey indicated that there appeared to be homeowners improvements within the Virginia Street right of way. Along with the lack of property monuments, this required a much larger effort in the area to locate enough property corners to approximate the location of the right of way based upon the information found in the field to show the extent of the apparent encroachments. In order to provide sufficient information to create the specific purpose survey for Virginia Street, a search of the surrounding blocks was necessary. We have been working closely with the City of Key West staff in order to determine the best course of action on how to address these survey and possible encroachment issues. A survey for Virginia has been completed and is in the process of being reviewed by the area residents and the design is moving forward. However, the difficulty and the amount of time it took to create the survey could not have been foreseen.

The Applerouth Lane plans are currently under review with FDOT. Contrary to previous submittals, the plans have been forwarded to **new reviewers** in different departments. Because of these new reviewers, added comments have been generated that required additional time to address. We have recently learned that the FDOT LAP coordinator for our projects has been reassigned. Hopefully this will not affect the reviews and approval of the Phase 4 projects but does place some uncertainty to the process. The FDOT reviews for all the sidewalk enhancement projects have been lengthy and were not expected by any of the project team members.

Based on the issues that have been outlined above, we would like to extend the Phase 4 Virginia Street and Applerouth Lane Sidewalk enhancements due date to the end of December, 2011.

If you have any questions please call.

Sincerely,
CHARLEY TOPPINO & SONS, INC.



Ronald J. Armstrong
Project Manager

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION NO. 11-035

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE IV -- VIRGINIA STREET SIDEWALKS AND APPLEROUTH LANE SIDEWALKS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL AUGUST 24, 2011; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution #09-311, the City Commission awarded a contract to Charley Toppino and Sons, Inc. for the Sidewalk Enhancements Phase IV - Virginia Street Sidewalks and Applerouth Land Sidewalks Project; and

WHEREAS, circumstances beyond the control of the contractor have delayed completion of the project, and upon the contractor's request, City staff determined that it is in the best interests of the citizens of Key West to extend the contract to August 24, 2011, on a no-cost basis;

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

Section 1: That the contract between the City of Key West and Charley Toppino and Sons, Inc. for Sidewalk Enhancements Phase IV - Virginia Street Sidewalks and Applerouth Lane Sidewalks Project, is hereby extended to August 24, 2011 on a no-cost basis.


All other terms and conditions shall remain in full force and effect.

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 February, 2011.

Authenticated by the presiding officer and Clerk of the Commission on February 2, 2011.

Filed with the Clerk February 2, 2011.



CRAIG/CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

RESOLUTION NO. 09-311

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE AWARD OF REQUEST FOR PROPOSALS 09-012 IN THE AMOUNTS OF \$165,550.00 (VIRGINIA STREET) AND \$31,530.00 (APPLEROUTH LANE) FROM CHARLEY TOPPINO AND SONS, INC. FOR THE DESIGN-BUILD OF SIDEWALK ENHANCEMENTS PHASE IV; 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 attached response to proposal 09-012 by Charlie Toppino and Sons, Inc. in the amounts of \$165,500.00 (Virginia Street) and \$31,530.00 (Applerouth Lane) is hereby awarded, upon notice of concurrence of Intent to Award by the Florida Department of Transportation, to design and build a new federal ADA compliant sidewalks and curb ramps as part of the design-build project for sidewalk enhancements phase IV.

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 3rd day of December, 2009.

Authenticated by the presiding officer and Clerk of the
Commission on December 4, 2009.

Filed with the Clerk December 4, 2009.



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK