



## 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

**FROM:** Doug Bradshaw, Senior Project Manager

**DATE:** March 28, 2011

**RE:** **Re-Extending the contract days for Sidewalk Enhancements Phase V – Eisenhower Drive Sidewalks, Telegraph Lane Sidewalks and Petronia St / Whitehead St Ramps**

**ACTION STATEMENT:**

This resolution will authorize a two hundred seventy-two (272) day extension until December 31, 2011 to the contract with Charley Toppino and Sons, Inc. for Sidewalk Enhancements Phase V – Eisenhower Drive Sidewalks, Telegraph Lane Sidewalks and Petronia St / Whitehead St Ramps.

**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 original contract completion date was November 14, 2010 with 180 days for design/build services. A 140 day contract extension was granted by Resolution #10-333 to April 3, 2011.

**PURPOSE AND JUSTIFICATION:**

Charley Toppino & Sons, Inc. miscalculated the time it would take for these projects to be designed. Charley Toppino & Sons was required to utilize a FDOT approved designer for this project. At the time there were no qualified local design firms available so Charley Toppino & Sons teamed up with the firm of Hole Montes, Inc. Hole Montes, Inc. has been consistently slow to produce construction documents.

The design for these projects is at the 100% mark at this time. Telegraph Lane Sidewalks and Petronia / Whitehead Streets Ramps have FDOT approval for construction. Construction for these projects can start at any time.

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

Eisenhower Drive Sidewalks has been resubmitted for final approval after addressing FDOT review comments. We are expecting FDOT approval for construction within a week.

Per the attached contract time extension request from Charley Toppino and Sons, dated February 28, 2010, the new contract completion date would be December 31, 2011.

**OPTIONS / ADVANTAGES / DISADVANTAGES:**

1. Approve the two hundred seventy-two (272) day contract time extension due to Charley Toppino & Sons miscalculation of design time. The new contract completion date will be December 31, 2011.
2. Do not approve the two hundred seventy-two (272) day contract time extension. The contract completion date will remain as April 3, 2010 and total combined liquidated damages of \$1,473.00 per day will be imposed.

**FINANCIAL IMPACT:**

Providing this extension eliminates the City's ability to collect up to \$1,473.00 per day in liquidated damages.

Extending the completion date of this project any further could jeopardize the City's reimbursement of the ARRA 2009 grand funding.

**RECOMMENDATION:**

Staff recommends that the City Commission select option 1, approve the two hundred seventy-two (272) day contract time extension due to miscalculation of design time. The new contract completion date will be December 31, 2011.