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CONTRACT MODIFICATION (CHANGE ORDER)

One (1)

CHANGE ORDER NO. One (1)
OWNER: City of Key West
PROJECT NAME: Sidewalk Enhancements Phase VI
Duck Avenue Sidewalks / Bike Lane
PROJECT NO: EN 0910
CONTRACTOR: Charley Toppino & Sons, Inc.

THE FOLLOWING MODIFICATIONS TO THE CONTRACT ARE HEREBY ORDERED: (USE ADDITIONAL PAGES IF REQUIRED).

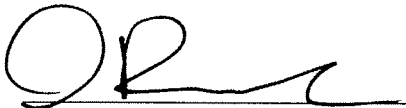
Addition of two-hundred (200) calendar days to the contract time per Resolution #11-034 dated February 2, 2011

CONTRACT AMOUNT

CONTRACT TIME (CAL.DAYS)

ORIGINAL CONTRACT AMOUNT	<u>\$445,800.00</u>	ORIGINAL DURATION	<u>365 days</u>
PREVIOUS CHANGE ORDERS	\$ <u>Zero (0)</u>	PREV. CHANGES TO DURATION	<u>Zero (0)</u> DAYS
THIS CHANGE ORDER	\$ <u>Zero (0)</u>	THIS CHANGE ORDER	<u>two-hundred (200)</u> DAYS
REVISED CONTRACT AMOUNT	\$ <u>N/A</u>	REVISED CONTRACT TIME	<u>565</u> DAYS

THE CONTRACT COMPLETION DATE IS: August 29, 2011


OWNER


CONTRACTOR

CITY OF KEY WEST
P.O. BOX 1409
KEY WEST, FL. 33041

CHARLEY TOPPINO & SONS, INC.
PO Box 787
KEY WEST, FL. 33041

DATE: 3-2-11

DATE: 3-2-11

RESOLUTION NO. 11-034

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE VI - DUCK AVENUE SIDEWALKS AND BIKE PATH PROJECT WITH CHARLEY TOPPINO AND SONS, INC. UNTIL AUGUST 29, 2011; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution #09-312, the City Commission awarded a contract to Charley Toppino and Sons, Inc. for the Sidewalk Enhancements Phase VI - Duck Avenue Sidewalks and Bike Path 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 29, 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 VI - Duck Avenue Sidewalks and Bike Path Project, is hereby extended to August 29, 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 GATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



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: January 13, 2011

RE: **Extending the contract days for Sidewalk Enhancements
Phase VI – Duck Avenue Sidewalks and Bike Path**

ACTION STATEMENT:

This resolution will authorize a two-hundred (200) day extension to the contract with Charley Toppino and Sons, Inc. for Sidewalk Enhancements Phase VI – Duck Avenue Sidewalks and Bike Path. The original contract time was 365 days for design/build with a contract completion date of February 10, 2011. The proposed contract completion date is August 29, 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:

Charley Toppino & Sons, Inc. has experienced unexpected design delays due to encroachments and stormwater runoff issues along with an underestimate of the time required to design the project. The design for this project is not to the 100% mark at this time and the contract days will soon expire.

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

Per the attached contract time extension request from Charley Toppino and Sons, dated January 4, 2011, the new contract completion date would be August 29, 2011.

OPTIONS / ADVANTAGES / DISADVANTAGES:

1. Approve the two-hundred (200) day contract time extension due to unexpected design delays. The new contract completion date will be August 29, 2011.
2. Do not approve the two-hundred (200) day contract time extension. The contract completion date will remain as February 10, 2011 and liquidated damages of \$715.00 per day will be imposed.

FINANCIAL IMPACT:

There are no financial impacts.

RECOMMENDATION:

1. Staff recommends that the City Commission select option 1, approve the two-hundred (200) day contract time extension due to unexpected design delays. The new contract completion date will be August 29, 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
Engineering Dept.

SW ENHANCEMENT PROJECT
PHASE VI: EN-0910 DUCK AVE
LAP FM#: 426520-1

January 4, 2011

SUBJECT: TIME EXTENSION REQUEST: ARRA 2009 SIDEWALK ENHANCEMENT
PROJECT PHASE VI DUCK AVE

Karen,

The purpose of this letter is to request a time extension for Phase VI of the Sidewalk Enhancement Project.

CHARLEY TOPPINO & SONS, INC. and Hole Montes underestimated the time required to design this project. Other issues of encroachment of property owners onto the City's Right of Ways, some stormwater runoff issues and parking issues have necessitated the request for addition time.

With these factors in mind we will not be able to complete the projects within the contractual time frame. We therefore are requesting a 200 day extension to Phase VI. The present completion date is February 10, 2011. The new completion date would be August 29, 2011.

If you have any questions please call.

Sincerely;
CHARLEY TOPPINO & SONS, INC.



Ronald J. Armstrong
Project Manager

AN EQUAL OPPORTUNITY EMPLOYER