

RESOLUTION NO. 10-115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE AWARD OF BID OF CHARLEY TOPPINO AND SONS, INC. FOR THE DESIGN-BUILD OF SIDEWALK ENHANCEMENTS PHASE V, INCLUDING: \$65,265.50 FOR TELEGRAPH LANE, \$182,615.00 FOR EISENHOWER DRIVE, \$46,646.00 FOR THE INTERSECTION OF WHITEHEAD & PETRONIA; AUTHORIZING NECESSARY BUDGET TRANSFERS; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN ACCORDANCE WITH THE BID DOCUMENTS; 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 bid of Charlie Toppino and Sons, Inc. in the amount of \$65,265.50 for Telegraph Lane, \$182,615 for Eisenhower Drive, \$46,646 for the intersection of Whitehead and Petronia Streets is hereby approved upon notice of concurrence of Intent to Award by the Florida Department of Transportation, to design and build new federal ADA compliant sidewalks and curb ramps as part of the design-build project for sidewalk enhancements phase V.

Section 2: That the City Manager, with the advice and consent of the City Attorney, is hereby authorized to execute a contract for the project in accordance with the bid documents.

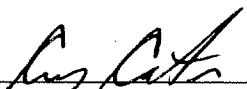
Section 3: That all necessary budget transfers are hereby authorized to effect this project.

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 6th day of April, 2010.

Authenticated by the presiding officer and Clerk of the Commission on April 7, 2010.

Filed with the Clerk April 7, 2010.

  
\_\_\_\_\_  
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

M  
E  
M  
O  
R  
A  
N  
D  
U  
M

### EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager  
E. David Fernandez, Asst. City Manager - Operations

**FROM:** Gary W. Bowman, General Services and Engineering Director

**DATE:** February 24, 2010

**RE:** **Awarding of the Bid of Charley Toppino and Sons, Inc. in the amount of \$65,265.50 (Telegraph Lane); \$182,615 (Eisenhower Drive); \$46,646 (intersection at Whitehead & Petronia) for the design-build of Sidewalk Enhancements Phase V; requesting the City Manager be authorized to execute a contract with Charley Toppino and Sons, Inc. and necessary budget transfers be authorized**

#### ACTION STATEMENT:

This resolution will approve the sole bid of \$65,265.50 (Telegraph Lane); \$182,615 (Eisenhower Drive); \$46,646 (intersection at Whitehead & Petronia) from Charley Toppino and Sons, Inc. upon notice of concurrence of Intent to Award by the Florida Department of Transportation (FDOT) to design and build new Federal ADA compliant sidewalks and curb ramps as part of the design-build project for Sidewalk Enhancements Phase V. City Staff also requests the City Manager be authorized to execute a contract with Charley Toppino and Sons, Inc. for the amounts previously listed and that necessary budget transfers be authorized.

The design and construction for this project location will be reimbursed 100% through an FDOT Local Area Program (LAP) grant **not to exceed** the following grant constraints for design/construction: \$65,280 (Telegraph Lane); \$106,080 (Eisenhower Drive); \$49,920 (intersection at Whitehead & Petronia). This grant is funded by the American Recovery and Reinvestment Act of 2009, commonly referred to as stimulus funding.

#### BACKGROUND:

Bids for this project have been opened twice, on November 4, 2009 and January 20, 2010. Two bids were received on November 4, 2009, one from Charley Toppino and Sons, Inc. and the other from David Plummer and Associates. Both

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

bidders submitted price proposals for the Eisenhower Drive location that exceeded the grant constraint of \$106,080 (design/construction only). David Plummer and Associates, the low bidder, was deemed nonresponsive to the bid requirements. A thickened edge was included in the conceptual plans. The Request for Proposals calls for the use of Type-F or Type-D curb. Thickened edges are significantly less expensive than Type-F or Type-D curb.

On December 15, 2009 with Resolution 09-329, the Commission approved the rejection of all proposals from the November 4, 2009 bid opening.

The project was rebid and a new bid was opened on January 20, 2010 from sole bidder Charley Toppino and Sons, Inc. The bidder made an error on the bid price for Telegraph Lane. The bid received on January 20, 2010 reads \$90,555. The error is in the use of a per ton price of \$64.55 instead of a per square yard price of \$165.50 for the line item of asphalt restoration that is quantified in square yards in the schedule of values prepared by the bidder. As stated in Mr. Toppino's letter, Charley Toppino and Sons, Inc. will honor the lump sum quote of \$65,265.50 for Telegraph Lane. Please refer to the letter received from Paul E. Toppino dated February 17, 2010 and the attached schedule of values for further details.

Based on the fact that there was a single responsive and responsible bidder on the rebid, City Staff is of the opinion that allowing the downward revision does not create an unfair competitive advantage to Charley Toppino and Sons, Inc.

In addition to the information regarding the error made with the bid for Telegraph Lane, it is important to provide background information on the funding for this project. 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 21<sup>st</sup> 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.

For this Contract, the City has established alternate scopes of work, shown as the list of bid items under each of the Scope Alternates listed in the Request for Proposal. These alternates have been established in consideration of budget constraints. The City has assigned Contract award priority for the Scope Alternates as follows:

First Priority .....Alternate A  
Second Priority .....Alternate B

The City intends to award the Contract to the responsible bidder with the lowest bid for the highest priority Scope Alternate for which the City determines funds are available. For the purpose of bidding, the City has established a maximum budget as follows:

Telegraph Lane Sidewalks	\$ <u>65,280.00</u>
Eisenhower Drive Sidewalks	\$ <u>106,080.00</u>
Whitehead/Petronia Ramps	\$ <u>49,920.00</u>

One firm attended the mandatory pre-bid meeting. As previously mentioned, one bid was received at bid opening.

**PURPOSE AND JUSTIFICATION:**

Many areas throughout the City are in need of sidewalk and ADA improvements. Stimulus funding is making the following improvements possible:

FM #	Phase	Project Location	Project Scope of Selected Alternate	Grant Constraint (design / construction)	Low Bidder	Low Bid Amount Alt A	Low Bid Amount Alt B	Low Bid Amount Alt C
426509-1	I	Southard St.	11 corners	\$ 137,280	Charley Toppino & Sons	\$ 184,404	\$ 162,096	<b>\$ 128,634</b>
426514-1	I	William St.	460 LF sidewalks	\$ 61,200	Charley Toppino & Sons	\$ 78,698	<b>\$ 48,278</b>	N/A
426515-1	I	12 <sup>th</sup> St.	285 LF sidewalks	\$ 32,640	Charley Toppino & Sons	\$ 40,350	<b>\$ 29,812</b>	N/A
426510-1	II	Fleming St.	12 corners	\$ 149,760	Charley Toppino & Sons	\$ 195,618	\$ 173,310	<b>\$ 139,848</b>
426511-1	III	Caroline St.	13 corners	\$ 112,320	Charley Toppino & Sons	<b>\$ 156,000</b>	\$ 132,700	\$ 109,500
426512-1	III	Eaton St.	9 corners	\$ 112,320	Charley Toppino & Sons	\$ 144,400	\$ 132,800	<b>\$ 109,500</b>
426517-1	IV	Virginia St.	1700 LF sidewalks	\$ 204,000	Charley Toppino & Sons	\$ 309,050	<b>\$ 165,550</b>	N/A
426518-1	IV	Applerouth Ln.	325 LF sidewalks	\$ 26,520	Charley Toppino & Sons	<b>\$ 31,530</b>	\$ 25,660	N/A
426519-1	V	Telegraph Ln.	450 LF sidewalks	\$ 65,280	Charley Toppino & Sons	N/A	<b>\$ 65,265.50</b>	N/A
426522-1	V	Petronia/Whitehead	4 corners	\$ 49,920	Charley Toppino & Sons	<b>\$ 46,646</b>	N/A	N/A
426523-1	V	Eisenhower Dr.	1300 LF sidewalks	\$ 106,080	Charley Toppino & Sons	<b>\$ 182,615</b>	\$ 97,915	N/A
426520-1	VI	Duck Ave. (with bike lane)	4800 LF sidewalks	\$ 530,400	Charley Toppino & Sons	<b>\$ 445,800</b>	\$ 386,000	N/A
426524-1	VII	Leon St.	2600 LF sidewalks	\$ 212,160	Charley Toppino & Sons	<b>\$ 235,100</b>	\$ 211,300	N/A

**BOLD** = selected alternate  
 Project locations previously awarded at December 3, 2009 meeting

For Phase V, Telegraph Lane Alternate B is recommended. 450 LF of sidewalks will be constructed with this alternate. Alternate B is under the grant constraint of \$65,280.

Eisenhower Drive Alternate A is recommended although the cost exceeds the grant constraint by \$76,535. Staff has determined the additional cost to the City is beneficial since an extra 600 LF of sidewalks will be constructed. The cost of constructing sidewalks is estimated at \$120/LF. The cost of Alternate A (\$182,615) divided by the 1300 LF that will be constructed results in a cost of \$140.47/LF. It is important to note that the \$120/LF estimate is strictly construction. While the per LF cost of Alternate A is higher, the \$140.47/LF does include design and surveying as well as construction. Also noteworthy is the close proximity of this project to Horace O'Bryant Middle School. The new Federal ADA compliant sidewalks and curb ramps will provide a safer route to this school.

Whitehead/Petronia intersection Alternate A is recommended. Curb ramps and sidewalks will be constructed at 4 corners with this alternate. Alternate A is under the grant constraint of \$49,920. Additional information regarding bid prices on other alternates for each project location in Phase V can be found in the table above.

**OPTIONS / ADVANTAGES / DISADVANTAGES:**

1. The City Commission can approve the contract authorizing the sole bid to design and build the Sidewalk Enhancements Phase V project choosing Telegraph Lane Alternate B, Eisenhower Drive Alternate A and Whitehead/Petronia intersection Alternate A. Eisenhower Drive Alternate A is \$76,535 in excess of the grant constraint of \$106,080. The City must expend Traffic Impact Fee money to cover the \$76,535 excess resulting in an additional 600 LF of sidewalks that will be constructed (1300 LF total). Telegraph Lane Alternate B is under the grant constraint of \$65,280 as is Whitehead/Petronia intersection Alternate A with a grant constraint of \$49,920.
2. The City Commission can decline the bids received and reissue the Design-Build Request for Proposals a third time. The grant funding received for these projects have deadlines associated with them and delays could jeopardize the funding. Reissuing the Design-Build Request for Proposals will result in further time delays and add additional advertising costs to the project.
3. The City Commission can decline the bids received and forego sidewalk improvements.

**FINANCIAL IMPACT:**

City Staff analyzed the lump sum bids and found no inconsistencies. FDOT will reimburse the City 100% up to the grant constraint of \$65,280 (Telegraph Lane); \$106,080 (Eisenhower Drive); \$49,920 (intersection at Whitehead & Petronia) for design/construction through Federal stimulus funding from the American Recovery and Reinvestment Act of 2009. The fees for this project will be funded through budget line item 102-4104-541-63-00 (Project EN0909 Telegraph, EN0911 Whitehead/Petronia, EN0912 Eisenhower). The additional fees of \$76,535 for Eisenhower Drive Alternate A will be funded through the City's Traffic Impact Fee Fund, budget line item 102-4102-541-99-00. The grants funds are budgeted in Revenue Account 102-0000-334-49-01.

Funding summary for Sidewalk Enhancements Phase V:

Telegraph Lane -  
FDOT Stimulus LAP Grant..... \$ 65,265.50\*

\*bid proposal price under grant constraint of \$65,280

---

**Total** **\$ 65,265.50**

Whitehead/Petronia -  
FDOT Stimulus LAP Grant..... \$ 46,646.00\*

\*bid proposal price under grant constraint of \$49,920

---

**Total** **\$ 46,646.00**

Eisenhower Drive -  
FDOT Stimulus LAP Grant..... \$ 106,080.00  
Additional cost, Traffic Impact Fee Fund 102-4102-541-99-00..... \$ 76,535.00

---

**Total** **\$ 182,615.00**

**RECOMMENDATION:**

Staff recommends that the City Commission select option 1, the award of the design-build contract to the sole bid of \$65,265.50 (Telegraph Lane); \$182,615 (Eisenhower Drive); \$46,646 (intersection at Whitehead & Petronia) from Charley Toppino and Sons, Inc. upon notice of concurrence of Intent to Award by the Florida Department of Transportation and authorize budget transfers so that we may proceed with the Sidewalk Enhancements Phase V project.

GWB/cds

**CONTRACT**

This Contract, made and entered into this 9<sup>th</sup> day of April 2010, by and between the City of Key West, hereinafter called the "Owner", and \_\_\_\_\_  
Charley Toppino and Sons, Inc.

\_\_\_\_\_ hereinafter called the "Contractor";

**WITNESSETH:**

The Contractor, in consideration of the sum to be paid him by the Owner and of the covenants and agreements herein contained, hereby agrees at his own proper cost and expense to do all the work and furnish all the materials, tools, labor, and all appliances, machinery, and appurtenances for Sidewalk Enhancement Phase V RFP 003-10, Key West, Florida to the extent of the Proposal made by the Contractor, dated the 15th day of January 20 10, all in full compliance with the Contract Documents referred to herein.

The REQUEST FOR PROPOSAL, including the signed copy of the BID PROPOSAL, the CONTRACT FORMS, GRANT ATTACHMENTS, CONTRACT SPECIFICATIONS DIVISION I, PERFORMANCE and PAYMENT BONDS.

FM No.:	Location of Work
426519-1	Telegraph Lane From Caroline St. to Greene St.
426522-1	Petronia and Whitehead Ramps (ADA) From 200' E. of Whitehead St. to 200' W. of Whitehead St.
426523-1	Eisenhower Drive Sidewalk Installation (North Side) From Palm Ave. to Truman Ave.

In consideration of the performance of the work as set forth in these Contract Documents, the Owner agrees to pay to the Contractor the amount bid in the Proposal as adjusted in accordance with the Contract Documents, or as otherwise herein provided, and to make such payments in the manner and at the times provided in the Contract Documents.

The Contractor agrees to complete the work within the time specified in the Contract and to accept as full payment hereunder the amounts computed as determined by the Contract Documents and based on the said Proposal.

The Contractor agrees to remedy all defects appearing in the work or developing in the materials furnished and the workmanship performed under this Contract during the warranty period after the date of final acceptance of the work by the Owner, and further agrees to indemnify and save the Owner harmless from any costs encountered in remedying such defects.

It is agreed that the Contract, based upon the Proposal, shall be fully complete within the stated number of consecutive calendar days from the date the Notice to Proceed is issued..



In the event the Contractor and fails to complete the work within the time limit or extended time limit agreed upon, as more particularly set forth in the Contract Documents, liquidated damages shall be paid to the Owner based on the current FDOT Standard Specifications Section 8-10 until the work has been satisfactorily completed as provided by the Contract Documents. Sundays and legal holidays shall be included in determining days in default. FDOT 8-10 Code requirements govern, and herewith made a part of the Contract.

Original Contract Amount	Daily Charge Per Calendar Day
\$50,000 and Under	\$313
Over \$50,000 but less than \$250,000	\$580
\$250,000 but less than \$500,000	\$715
\$500,000 but less than \$2,500,000	\$1,423
\$2,500,000 but less than \$5,000,000	\$2,121
\$5,000,000 but less than \$10,000,000	\$3,057

It is agreed the Contract, Base of the Proposal, shall be fully complete within 180 consecutive calendar days as stated in the notice to bid proposal.

IN WITNESS WHEREOF, we, the parties hereto, each herewith subscribe the same this

8<sup>th</sup> day of April, A.D., 2010.

CITY OF KEY WEST

By J. K. Schall

Title CITY MANAGER

CONTRACTOR

By Frank A. Vojanovic

Title Pres

APPROVED AS TO FORM

[Signature]

Attorney for Owner

\*\*\*\*

# CHARLEY TOPPINO & SONS, INC.

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

**February 17, 2010**

**Karen M Olson**  
Special Projects Designer  
City of Key West

Re: Re-bid SideWalk ENHANCEMENTS Phase V

Karen,

Attached is the schedule of values for the re-bid of SideWalk V and a copy of the schedule of values for the first bid for SideWalk V. As you can see the difference in price is in the Asphalt Restoration.

The quantity that I use in both bids was in Sys; however I inadvertently used the quote for tonnage \$165.00 per ton in the Re-Bid instead of the Sy price of \$64.55 per Sy.

Charley Toppino and Sons will honor the Lump Sum Quote of \$65,265.50 for the Telegraph Lane bid for the Re-Bid of Phase V

If you have any questions please call me.

Sincerely,



Paul E. Toppino

Cc: Carolyn Sheldon

## Original Bid

<u>ITEM</u>	<u>QUAN TITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
<b>Telegraph Lane</b>				
Demolition	2,300	SF	\$1.50	\$3,450.00
Sidewalk	2,200	SF	\$8.25	\$18,150.00
Curb	560	LF	\$21.50	\$12,040.00
ADA Pavers	20	SF	\$22.50	\$450.00
Asphalt Restoration	250.0	SY	\$64.55	\$16,137.50
<b>Total</b>				<b>\$50,227.50</b>
<b>General Conditions</b>	1	Ls	\$5,000.00	\$5,000.00
Design	1	Ls	\$6,500.00	\$6,483.00
<b>Total</b>				<b>\$61,710.50</b>
Allowance				\$ 2,655.00
Bond				\$ 900.00
<b>Total</b>				<b>\$65,265.50</b>

<u>ITEM</u>	<u>QUAN TITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
<b>Telegraph Lane</b>				
<b>Demolition</b>	2,300	SF	\$1.25	\$2,875.00
<b>Sidewalk</b>	2,300	SF	\$8.25	\$18,975.00
<b>Curb</b>	560	LF	\$21.50	\$12,040.00
<b>ADA Pavers</b>	20	SF	\$22.50	\$450.00
<b>Asphalt Restoration</b>	250.0	SY	\$165.50	\$41,375.00
<b>Total</b>				<b>\$75,715.00</b>
<b>General Conditions</b>	1	Ls	\$5,000.00	\$5,000.00
<b>Design</b>	1	Ls	\$6,285.00	\$6,285.00
<b>Total</b>				<b>\$87,000.00</b>
<b>Allowance</b>				\$ 2,655.00
<b>Bond</b>				\$ 900.00
<b>Total</b>				<b>\$90,555.00</b>

# Sidewalk Enhancement Proposal Phase V

## BID SCHEDULE

The Bidder further Proposes to accept as full payment for the work Proposed herein the amounts computed under the Provisions of the Contract Documents and based on the following Lump Sum amounts are independent if the exact quantities involved. The Bidder agrees that the Lump Sum prices represent a true measure of the labor and materials required to perform the work, including all allowances for overhead and Profit for each type and unit of work called for in these Contract Documents. The amounts shall be shown in both words and figures. In case of a discrepancy, the amount shown in words shall govern. . Lump SUM price line items may be deleted, reduced or increased as required by the Owner.

<u>Item</u>	<u>LS (Words)</u>	<u>LS (Fig)</u>
 <b>Design/Build</b>		
1	Petronia and Whitehead St. intersection (ADA ramps)	
LS	\$ FORTY FOUR THOUSAND DOLLARS/NO CENTS	\$ 44,000.00
	Performance and Payment Bonds – Petronia and Whitehead St.	
LS	\$ SIX HUNDRED AND SIXTEEN DOLLARS/NO CENTS	\$ 616.00
1A	Contingency Allowance – Petronia and Whitehead St. (include in extended lump sum total for each alternate)	
LS	\$ Two Thousand Thirty Dollars/ no cents	\$ 2,030.00
2	Telegraph Lane sidewalks (Caroline St. to Greene St.)	
	Alternate A	
LS	\$ -----	\$ -----
	Alternate A - Performance and Payment Bonds	
LS	\$ -----	\$ -----
	Alternate B	
LS	\$ EIGHTY SIX THOUSAND, SIX HUNDRED DOLLARS/ NO CENTS	\$ 86,600.00
	Alternate B - Performance and Payment Bonds	
LS	\$ ONE THOUSAND, THREE HUNDRED DOLLARS / NO CENTS	\$ 1,300.00



## Sidewalk Enhancement Proposal Phase V

**Alternate A - Telegraph Lane sidewalks (Caroline St. to Greene St.)**

**TOTAL OF ALL EXTENDED LUMP SUM PRICE ITEMS LISTED ABOVE including Performance and Payment Bonds, Allowance Items**

(Words)

-----  
\$ \_\_\_\_\_

(Numbers)

-----  
\$ \_\_\_\_\_

**Alternate B - Telegraph Lane sidewalks (Caroline St. to Greene St.)**

**TOTAL OF ALL EXTENDED LUMP SUM PRICE ITEMS LISTED ABOVE including Performance and Payment Bonds, Allowance Items**

(Words)

NINETY THOUSAND, FIVE HUNDRED & FIFTY FIVE DOLLARS / NO CENTS

\$ \_\_\_\_\_

(Numbers)

90,555.00  
\$ \_\_\_\_\_

**Alternate A - Eisenhower Drive sidewalks (North side - Palm Ave. to Truman Ave.)**

**TOTAL OF ALL EXTENDED LUMP SUM PRICE ITEMS LISTED ABOVE including Performance and Payment Bonds, Allowance Items**

(Words)

ONE HUNDRED & EIGHTY TWO THOUSAND, SIX HUNDRED & FIFTEEN DOLLARS/NO CENTS

\$ \_\_\_\_\_

(Numbers)

182,615.00  
\$ \_\_\_\_\_

## Sidewalk Enhancement Proposal Phase V

**Alternate B - Eisenhower Drive sidewalks (North side - Palm Ave. to Truman Ave.)**

**TOTAL OF ALL EXTENDED LUMP SUM PRICE ITEMS LISTED ABOVE including Performance and Payment Bonds, Allowance Items**

(Words) NINETY SEVEN THOUSAND, NINE HUNDRED & FIFTEEN DOLLARS/NO CENTS

\$ \_\_\_\_\_

(Numbers)

\$ 97,915.00

Number of days to complete project (all locations):

Words ONE HUNDRED & EIGHTY DAYS

Numbers 180

For this Contract, the City has established alternate scopes of work, shown as the list of bid items under each of the Scope Alternates listed in the Request for Proposal. These alternates have been established in consideration of budget constraints. The City has assigned Contract award priority for the Scope Alternates as follows:

First Priority ..... Alternate A  
Second Priority ..... Alternate B

The City intends to award the Contract to the responsible bidder with the lowest bid for the highest priority Scope Alternate for which the City determines funds are available. For the purpose of bidding, the City has established a maximum budget as follows:

Telegraph Lane	\$ <u>65,280.00</u>
Petronia and Whitehead	\$ <u>49,920.00</u>
Eisenhower Drive	\$ <u>106,080.00</u>

This amount is not the City's official cost estimate for the work but is the budgetary constraint established for this contract. Submission of a bid under the maximum budget is not a guarantee of contract award and cannot be interpreted as an appropriate or awardable bid amount.

Submit bid lump sum prices for all bid items. Bids submitted without bid lump sum prices for all bid items will be rejected as irregular.

List items to be performed by Contractor's own forces and the estimated total cost of these items.





# Sidewalk Enhancement Proposal Phase V

## SUBCONTRACTORS

The Bidder further proposes that the following subcontracting firms or businesses will be awarded subcontracts for the following portions of the work in the event that the Bidder is awarded the Contract:

ASPHALT RESTORATION

Portion of Work

BEE BROS DEVELOPMENT

Name

8362 PINES BLVD.

PEMBROKE PINES

FL

33024

Street

City

State

Zip

Portion of Work

Name

Street

City

State

Zip

Portion of Work

Name

Street

City

State

Zip

Portion of Work

Name

Street

City

State

Zip

# Sidewalk Enhancement Proposal Phase V

## SURETY

THE HANOVER INS COMPANY

\_\_\_\_\_ whose  
address is

440 LINCOLN STREET, WORCESTER, MA, 01683  
Street City State Zip

## BIDDER

The name of the Bidder submitting this Proposal is

CHARLEY TOPPINO & SONS, INC. \_\_\_\_\_ doing  
business at

P.O. BOX 787, KEY WEST, FL, 33041  
Street City State Zip

which is the address to which all communications concerned with this Proposal and with the Contract shall be sent.

The names of the principal officers of the corporation submitting this Proposal, or of the partnership, or of all persons interested in this Proposal as principals are as follows:

Name	Title
FRANK P. TOPPINO	PRESIDENT
EDWARD TOPPINO, SR	SECRETARY / TREASURER
DANIEL P. TOPPINO	ASSISTANT SECRETARY
_____	_____
_____	_____
_____	_____

# Sidewalk Enhancement Proposal Phase V

## If Sole Proprietor or Partnership

IN WITNESS hereto the undersigned has set his (its) hand this \_\_\_\_\_ day of  
20\_\_\_\_.

\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Title

## If Corporation

IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be  
executed and its seal affixed by its duly authorized officers this \_\_\_\_\_<sup>15</sup> day of JANUARY  
20<sub>10</sub>.

(SEAL)

CHARLEY TOPPINO & SONS, INC.

\_\_\_\_\_  
Name of Corporation

By Frank P. Toppino

Title PRESIDENT

Attest

[Signature]  
Secretary



RESOLUTION NO. 09-329

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF KEY WEST, FLORIDA, APPROVING THE  
REJECTION OF ALL PROPOSALS FOR THE SIDEWALK  
ENHANCEMENTS PHASE V PROJECT; PROVIDING FOR AN  
EFFECTIVE DATE**

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

Section 1: That all proposals received in response to request  
for proposals 09-013, Sidewalk Enhancement Phase V project, are  
hereby rejected pursuant to Key West Code of Ordinances section 2-  
834, and that a new request for proposals be prepared and issued  
immediately.

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 15 day of December, 2009.

Authenticated by the presiding officer and Clerk of the  
Commission on December 16, 2009.

Filed with the Clerk December 16, 2009.

  
\_\_\_\_\_  
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

M  
E  
M  
O  
R  
A  
N  
D  
U  
M

## EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager  
E. David Fernandez, Asst. City Manager

**FROM:** Gary W. Bowman, General Services and Engineering Director

**DATE:** November 13, 2009

**SUBJECT:** Rejection of All Responses to RFP 09-013 Sidewalk Enhancements – Phase V Project

### ACTION STATEMENT:

This resolution will reject all responses to RFP 09-013 Sidewalk Enhancements – Phase V Design-Build Request for Proposals that were opened November 4, 2009.

### BACKGROUND:

The City has received Federal economic stimulus funding in the form of a Florida Department of Transportation (FDOT) Local Agency Program (LAP) grant for this project that would fund improvements to be constructed on Telegraph Lane, Eisenhower Drive and the intersection of Petronia Street and Whitehead Street. Grant constraints based on design/construction only are \$65,280 (Telegraph); \$106,080 (Eisenhower); \$49,920 (Petronia & Whitehead). The bidders were asked to provide a lump sum bid for a range of alternates prioritized by scope (the highest priority is the alternate with the greatest amount of work). Award of the bid is based on the lowest bid of the highest priority alternate that is within the grant constraint.

The City posted a Design-Build Request for Proposals on Demandstar to select a qualified contractor to provide new Federal ADA compliant sidewalks with curb and curb cuts for this project. The bid opening occurred on November 4, 2009.

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

**PURPOSE & JUSTIFICATION:**

Two bids were received at bid opening. Both bidders submitted price proposals for the Eisenhower Drive location that exceeded the grant constraint of \$106,080 (design/construction only). The low bidder was deemed nonresponsive to the bid requirements. A thickened edge was included in the conceptual plans. The Request for Proposals calls for the use of Type-F or Type-D curb. Thickened edges are significantly less expensive than Type-F or Type-D curb. Bids received for Eisenhower Drive were as follows:

<b>Sidewalk Enhancements - Phase V, Eisenhower Drive Bid Summary</b>					
Grant constraint = \$106,080					
Bidder	Responsive	Alternate A	Excess over grant constraint	Alternate B	Excess over grant constraint
David Plummer & Associates	No	\$ 168,335.70	\$ 62,255.70	\$ 113,205.30	\$ 7,125.30
Charley Toppino & Sons, Inc.	Yes	\$ 190,351.00	\$ 84,271.00	\$ 157,462.00	\$ 51,382.00

Bids for the other two locations included in the project, Telegraph Lane and the intersection at Petronia & Whitehead, were within the grant constraints. However, these projects are bundled together. Bids for all three project locations for the alternates chosen need to be within the grant constraint set for each location. Due to the amounts of the bids received for the Eisenhower Drive location and the grant funding available, staff is recommending the bids be rejected in the best interest of the City.

**OPTIONS:**

1. The City could reject all of the bids submitted for the project. The City could then elect to re-bid the project with modified scope alternates for the Eisenhower Drive location. With this option, a portion of the project would still be completed with the possibility of obtaining bids that are within the grant budget.
2. The City could elect to award the contract to the low bidder. However, this would require the City to fund \$49,167, at a minimum, in excess of the grant. Any amount in excess of the grant is not budgeted for and would not be reimbursed by the grant.
3. The City could reject all of the bids submitted for the project and forego using stimulus funding for improvements to the project areas at no cost to the City.



**FINANCIAL IMPACTS:**

Because the grant is funded with stimulus money, tight deadlines are associated with it. FDOT has a deadline to invoice the grant that is six months from when the City was issued a Notice to Proceed from FDOT. FDOT issued a Notice to Proceed in June 2009 therefore the City must meet a December 2009 deadline. Beyond the December 2009 deadline, the project becomes idle and the funding is jeopardized.

**RECOMMENDATION:**

The staff recommends option #1, that the City rejects all bid submittals and re-bid the project with modified scope alternates for the Eisenhower Drive location.