



## THE CITY OF KEY WEST

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### **EXECUTIVE SUMMARY**

**Date:** May 4, 2022

**To:** Patti McLaughlin, City Manager

**From:** Steve McAlearney, Engineering Director

**Cc:** Todd Stoughton, Assistant City Manager  
Christina Bervaldi, Finance Director

**Subject:** Ratification of Change Order #3 to contract with Charley Toppino and Sons, Inc., for construction of Whitehead and Front Streets.

### **ACTION STATEMENT**

Ratification of Change Order #3 to contract with Charley Toppino and Sons, Inc. (CTS), for construction of Whitehead and Front Streets. The Change Order was signed by City Manager in accordance with purchasing exemption under Sec. 2-797(2) Emergency Procurement. Change Order #3, in the amount of \$239,093.24 and extending the contract time by eight (8) days, is for additional work associated with ITB #21-009 Whitehead and Front Improvements Project.

### **BACKGROUND**

During construction of Whitehead and Front Streets, City staff has encountered two issues in the field that need to be rectified by way of a change order to the contract with CTS.

First, degradation of the roadway surface along Whitehead from just south of Caroline Street to the intersection of Greene Street warrants partial reconstruction of the eastern half of the roadway. This segment of Whitehead Street had an average Pavement Condition Index (PCI) value of 34 per the 2019 Pavement Management Report, which is considered poor condition. When the design started, the poor condition of this portion of the roadway was attributed to various utility trench failures. During design, it was believed that isolated trench failure repair would be sufficient and cost effective to adequately repair the road. After reviewing the condition of the roadway in the field, staff believes that partial full depth reconstruction is needed. Full depth reconstruction includes removing the existing asphalt and roadway base and replacing with new compacted roadway base material as well as new asphalt. The cost for this treatment is more expensive than milling and paving but will provide a stronger structure which will extend the life of the pavement.

Second, Utilities staff observed backflow in a new storm drain structure on Front Street and determined that the leak was coming from an existing shallow storm drainpipe extending from Simonton Street. The age of the pipe is unknown. The joints in the existing pipe were not properly connected and were allowing infiltration of groundwater into the storm drain system. Staff worked with CH2M Hill to develop a plan to replace the pipe. Replacing the pipe and properly sealing joints is critical to prevent infiltration of groundwater.

**JUSTIFICATION**

Justification for emergency City Manager approval is that City received short-notice opportunity to acquire a subcontractor to pave Whitehead Street for only \$10,000 in additional mobilization costs, bringing relief and increased public safety to both business owners and the public over a month earlier than anticipated.

**Ordinance: 2-845 (a) Change Orders – In an emergency in a construction contract where life, property or city funds are at risk, the city manager may approve a change order in excess of five cumulative percent of the contract price or \$50,000.00.**

In addition, the storm drainage replacement is required to ensure a water-tight system. Continued infiltration of ground water through separations in pipe joints could result in ground water backing up into the street and potentially accelerating wear on the Simonton Street pump station. Replacing the pipe will likely help preserve the useful life of the pump station components. This change order represents approximately 10% of the current contract amount, and supports the **Key West Strategic Plan, Key West Forward, meeting Priority 3: Roads and Sidewalks, Goal 1, Action 1: Pavement Rehabilitation High and Dry.**

**FINANCIAL**

The change order will be funded from Account 102-4102-541-6300 (Internal Improvements/Gas Tax); Project II41022002. Purchase order #94266 to CTS will increase from the current contract amount of \$2,267,505.61 to \$2,506,598.85. Upon execution of Change Order #3, the adjustments to the project accounts will be as follows:

<b>Project Number</b>	<b>Current Amount</b>	<b>CO #3</b>	<b>Net Change</b>
<i>II41022001 (ADA Sidewalks)</i>	<i>\$721,017.46</i>	<i>\$721,017.46</i>	<i>\$0</i>
<i>II41022002 (Paving)</i>	<i>\$1,546,488.15</i>	<i>\$1,785,581.39</i>	<i>\$239,093.24</i>
<b>Total</b>	<b>\$2,267,505.61</b>	<b>\$2,506,598.85</b>	<b>\$239,093.24</b>

**RECOMMENDATION**

Staff recommends ratification of Change Order #3 to contract with CTS for construction of Whitehead and Front Streets. The Change Order was signed by City Manager in accordance with

purchasing exemption under Sec. 2-797(2) Emergency Procurement. Change Order #3, in the amount of \$239,093.24 and extending the contract time by eight (8) days, is for additional work associated with ITB #21-009 Whitehead and Front Improvements Project.