





## THE CITY OF KEY WEST

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

# EMERGENCY DECLARATION

**To:** Todd Stoughton, Interim City Manager   
**Cc:** Steve McAlearney, Interim Assistant City Manager  
Christina Bervaldi, Finance Director 

**From:** Karen Olson, Director Port and Marine Services

**Date:** August 29, 2024

**ACTION STATEMENT:** Request approval of Todd Stoughton, Interim City Manager, to award an emergency procurement of ITB #24-013 Ferry Terminal Renovation project to lowest responsive bidder, D.L. Porter Constructors, Inc for the Base Bid and Bid Alternates #1, #2 #3 and #5 in the amount of \$2,391,954. And approve any necessary budget transfer.

**ORDINANCE:** Pursuant to Subpart A, Chapter 2, Article VII, Division 3, Subdivision 2, Sec. 2-797 of the City of Key West Code of Ordinances, the Emergency Procurement procedure the City Manager may make emergency procurement to approve contractual services where the cost exceeds \$50,000 when there exists a present threat to public health, property, and safety or other substantial loss to the City.

**BACKGROUND:** The Key West Bight Ferry Terminal sees over 140,000 passengers per year and is a valuable revenue source for the City. The Ferry Terminal was completed in 2003 and needs significant upgrades to continue servicing the ferries and passengers that utilize the facility.

The project includes exterior paint, new doors and windows, new roofing, and new elevator and equipment. This project is funded in part with \$5,018,855 in funding from Coronavirus State and Local Fiscal Recovery Funds of the American Rescue Plan Act (ARPA) grant of 2021 from the U.S. Department of Treasury to be administered by the State of Florida Department of Transportation (FDOT). This grant agreement was approved through Resolution #22-069.

**JUSTIFICATION:** ARPA funding awarded to the City of Key West must be spent by December 31, 2024, per the grant agreement. Following a site visit from FDOT in February 2024, FDOT began a series of meetings to check on the City's progress on expending the ARPA funds to address concern that funds were not being spent fast enough to meet the December 31 deadline. While the City has done a satisfactory job throughout the progress meetings, a significant portion of the funding remains. With FDOT's approval, ITB #24-013 was advertised for the duration of time required by federal and state regulations resulting in essentially no time for the City to move forward with the project and expend the ARPA funds unless Emergency Procurement procedures are approved.

Given the progress to date, \$2,474,958.91 reimbursed and an additional \$175,000.00 to be submitted for reimbursement by the end of August (approximately 53% of funds), FDOT has prepared the necessary documents to terminate the grant agreement and de-obligate the remaining funds (\$2,368,896.09). To

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

MEMORANDUM

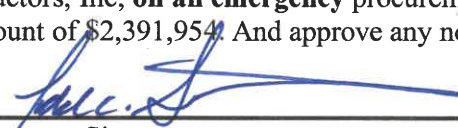
prevent this from occurring or, at a minimum, reduce the amount to be de-obligated to the fullest extent possible, Emergency Procurement procedures are needed to avoid loss of funding.

Although D.L. Porter is not the lowest bidder, they are the lowest responsive bidder waiving a minor formality of failing to confirm receipt of Addendum #3 with their bid package. The lowest bidder, Marino Construction Group, has been deemed non-responsive for providing a non-compliant roofing finish and specifying manufactures for elevator/ equipment and aluminum storefront that were not approved.

**FINANCIAL IMPACT:** The City of Key West will lose up to \$2,368,896 if we cannot spend down the grant funds by the end of December 2024. Funds are available in account 405-7506-575-6300 (KB75062201).

**RECOMMENDATION:** Staff recommends Todd Stoughton, Interim City Manager, to award an emergency procurement of ITB #24-013 Ferry Terminal Renovation project to lowest responsive bidder, D.L. Porter Constructors, Inc, **on an emergency** procurement basis for the Base Bid and Bid Alternates #1, #2 #3 and #5 in the amount of \$2,391,954. And approve any necessary budget transfer.

City Manager Signature



8-29-24  
Date

Reviewed for Legal Sufficiency  
JSEA TECH  
8/29/24

ITB #24-013: FERRY TERMINAL RENOVATION				
	D.L. PORTER	MARINO	PEDRO FALCON	SEA TECH
Line Item	Extended Cost	Extended Cost	Extended Cost	Extended Cost
Mobilization/Demobilization	\$148,045.00	\$125,761.00	\$155,945.00	\$107,380.00
Payment/Performance Bonds	\$22,913.00	\$14,110.00	\$23,844.00	\$56,000.00
Permit Fees (at cost)	\$85,000.00	\$85,000.00	\$85,000.00	\$85,000.00
Demolition	\$75,926.00	\$66,676.00	\$173,252.00	\$107,255.00
Exterior Paint	\$267,826.00	\$68,128.00	\$169,493.00	\$70,025.00
Aluminum Storefront Windows	\$448,848.00	\$326,021.00	\$792,980.00	\$626,975.00
Aluminum Exterior Doors (pair)	\$53,900.00	\$45,792.00	\$40,000.00	\$91,310.00
Galv. Metal Exterior Doors	\$22,769.00	\$6,180.00	\$14,427.00	\$12,120.00
Standing Seam Roof	\$513,679.00	\$268,431.00	\$320,340.00	\$554,745.00
Membrane Roofing	\$93,952.00	\$68,922.00	\$80,819.00	\$116,395.00
Elevator and Equipment	\$139,236.00	\$243,706.00	\$270,926.00	\$246,245.00
Aluminum Exterior Louvers	\$35,012.00	\$17,770.00	\$19,624.00	\$24,930.00
Equip Room Ductless A/C	\$29,203.00	\$18,476.00	\$22,311.00	\$20,975.00
Allowance	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00
<b>TOTAL BASE BID</b>	<b>\$2,136,309.00</b>	<b>\$1,554,973.00</b>	<b>\$2,368,961.00</b>	<b>\$2,319,355.00</b>
ALTERNATE PRICING				
1. Add Lightning Protection Sys	\$47,336.00	\$25,000.00	\$60,780.00	\$58,665.00
2. Add Secondary Waterproofing	\$6,017.00	\$11,250.00	\$14,026.00	\$23,815.00
3. Upgrade to Alum Standing Seam	\$55,516.00	\$274,300.00	\$449,881.00	\$7,415.00
4. Add Re-Roof Boardwalk (steel)	\$153,037.00	\$46,200.00	\$67,416.00	\$225,065.00
5. Add Re-Roof Boardwalk (alum)	\$146,776.00	\$57,200.00	\$88,339.00	\$227,705.00
<b>BASE BID + ALT. BIDS 1, 2, 3 &amp; 5</b>	<b>\$2,391,954.00</b>	<b>\$1,922,723.00</b>	<b>\$2,981,987.00</b>	<b>\$2,636,955.00</b>

Monald J. Seasingh, City Attorney