

RESOLUTION NO. 23-327

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE PURCHASE OF RUBBER SURFACE MATERIAL FROM PERKEPAVE, LLC. IN AN AMOUNT NOT TO EXCEED \$64,484.00, FOR IMPROVEMENT AND REPAIRS TO CERTAIN AREAS WITHIN THE COFFEE BUTLER AMPHITHEATER PURSUANT TO SECTION 2-797(4)(b) OF THE CODE OF ORDINANCES, BEST INTERESTS OF THE CITY; AUTHORIZING ANY NECESSARY BUDGET TRANSFERS AND ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, there are areas in the seating area of the Coffee Butler Amphitheater where rubber surface material should be installed in place of grass for both safety and convenience; and

WHEREAS, some members of City staff are trained and capable of installing certain ASTM-compliant rubber surface material, which is sold by only two companies, Flexi-Pave and perkEpave; and

WHEREAS, City staff obtained price quotes for rubber surface material from both vendors, with perkEpave providing the lowest bid, and City staff believes there would be no pricing advantage to issuing a formal ITB; and

WHEREAS, the City Manager believes that for the foregoing reasons stated herein, this purchasing exception qualifies as Exceptional Circumstances contemplated by Section 2-797(4)(b) of the code of Ordinances; and

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

Section 1: That the purchase of rubber surface material from perEpave, LLC. in an amount not to exceed \$64,484.00 is hereby approved for improvements/repairs at the Coffee Butler Amphitheater, pursuant to Section 2-797(4), best interests, of the code of ordinances.

Section 2: That adequate funding is budgeted for this project in Infrastructure Surtax/Truman Waterfront Capital Improvements Account 101-4303-543-63.

Section 3: That the City Manager or designee is authorized to execute any necessary documents, upon the advice and consent of the City Attorney.

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 14th day of December, 2023.

Authenticated by the Presiding Officer and Clerk of the Commission on 14th day of December, 2023.

Filed with the Clerk on December 14, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

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TERI JOHNSTON, MAYOR

ATTEST:

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KERI O'BRIEN, CITY CLERK