

RESOLUTION NO. 12-114

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF EBSARY FOUNDATION COMPANY, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$3,278,882.00, FOR REPAIRS TO NAVY MOLE BULKHEAD 497; APPROVING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West leases from the United States of America through the Department of the Navy a section of the Navy Outer Mole Pier for the specific purpose of cruise ship berthing; and

WHEREAS, in lieu of rent payments to the Navy for use of the Mole Pier, the City has agreed to perform certain in-kind projects, including the work contemplated in ITB 12-007: Repairs to Navy Mole Bulkhead 497; and

WHEREAS, the cost of this project will be covered as an in-kind service through the Navy Mole Lease fund;

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

Section 1: That the bid of Ebsary Foundation Company is hereby awarded in an amount not to exceed \$3,278,882.00 as delineated in the response to ITB 12-007, the terms and conditions of which are incorporated herein.

Section 2: That the City Manager is authorized to execute any contractual documents, with the advice and consent of the City Attorney, that are consistent with ITB #12-007 and the approval granted herein.

Section 3: 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 3rd day of April, 2012.

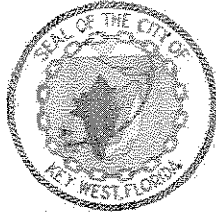
Authenticated by the Presiding Officer and Clerk of the Commission on 4th day of April, 2012.

Filed with the Clerk on April 4, 2012.

  
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

**TO:** Jim Scholl, City Manager

**FROM:** Birchard Ohlinger, P.E., Engineering

**CC:** E. David Fernandez, Assistant City Manager

**DATE:** 19 March 2012

**SUBJECT:** Approval to award ITB 12-007: Repairs to Navy Mole Bulkhead 497 to EBSARY Company and approval of a Budget Amendment

### ACTION STATEMENT:

Invitation to Bid 12-007 was advertised on 17 January, 2012 and bids were opened on 14 March 2012. Eight bids were received with the EBSARY Foundation Company as the lowest responsive responsible bidder in the amount of \$3,278,882 dollars. A part of this action statement is the approval to move funds from the Navy Reserves Account #602-1900-519-9800 to Navy Repairs and Maintenance Account #602-1900-519-4600 to cover this work.

### BACKGROUND:

In lieu of rent payments to the Navy for the use of the Mole Pier, the CITY has agreed to perform certain In-Kind Projects. ITB 12-007: Repairs to Navy Mole Bulkhead 497 is a project that has been requested by the Navy as indicated in Attachment 1.

### PURPOSE & JUSTIFICATION:

The CITY received 8 bids in response to ITB 12-007. The lowest bidder had a minor bid irregularity, specifically that the correct bid sheet was not submitted with the bid. EBSARY Foundation Company has certified that all work as depicted in the plans and specifications has been included in the bid. Staff has determined that it is in the best interest of the CITY to evaluate all bids as this irregularity did not give the proposer a competitive advantage over the other proposers.

### OPTIONS:

1. The City Commission can approve the award of a contract to EBSARY Foundation Company in the amount of \$3,278,882 dollars

MEMORANDUM

2. The City Commission can reject all bids and cancel the project
3. The City Commission can reject all bids and direct staff to re-bid the project.

**FINANCIAL IMPACT:**

Budget Amendment: Funds in the amount of the lowest bid value plus 10% for contingency ( $\$3,278,882 * 1.1 = \$3,606,770$  dollars) will be moved from the Navy Reserves Account #602-1900-519-9800 to Navy Repairs and Maintenance Account # 602-1900-519-4600 and used to fund this project. Currently there is \$6,468,260 dollars in the Navy Reserve Account.

**RECOMMENDATION:**

City Staff recommends that the commission award this project to EBSARY Foundation Company in the amount of \$3,278,882 dollars