

RESOLUTION NO. 22-135

A RESOLUTION OF THE CAROLINE STREET CORRIDOR AND BAHAMA VILLAGE COMMUNITY REDEVELOPMENT AGENCY (CRA) CANCELLING THE CONTRACT BETWEEN THE CITY AND ONE SOURCE RESTORATION & BUILDING SERVICES, INC. IN RESPONSE TO ITB #21-014 FOR RE-BID CONCH REPUBLIC SEAFOOD COMPANY (CRSC) ROOF REPLACEMENT - KEY WEST HISTORIC SEAPORT (KB75021901); AUTHORIZING BUDGET TRANSFERS AND ADJUSTMENTS, IF NECESSARY; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS, UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 21-162 the City awarded a contract for Conch Republic Seafood Company Wall Cladding and Roof Replacement to the lowest responsive bidder, One Source Restoration & Building Services, Inc.; and

WHEREAS, the contractor could not obtain shop drawings or a clear time frame from the materials manufacturer as to when materials would be available, and the construction window passed; and

WHEREAS, staff believes it is in the best interest of the City to cancel this construction contract, and readvertise next year with the anticipation of better materials availability; and

NOW, THEREFORE, BE IT RESOLVED BY THE CAROLINE STREET
CORRIDOR AND BAHAMA VILLAGE COMMUNITY REDEVELOPMENT AGENCY,
AS FOLLOWS:

Section 1: That the Contract between the City and
One Source Restoration & Building Services, Inc. approved in
Resolution 21-162 in response to ITB #21-014 - RE-BID CRSC
Roof/Wall Cladding - Key West Historic Seaport, is hereby
cancelled.

Section 2: That funding for this project was
budgeted in Building Fund Account 405-7502-575-6200 (Project
No. KB75021901), and will be re-considered for FY 22-23, when
it is anticipated that the project will be re-bid.

Section 3: That the City Manager is authorized to
execute any necessary documents, in conformance with the bid
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 Agency.

Passed and adopted by the Caroline Street Corridor and Bahama Village Community Redevelopment Agency at a meeting held this 7th day of June, 2022.

Authenticated by the presiding officer and Clerk of the Agency on June 8, 2022.

Filed with the Clerk June 8, 2022.

Chair Teri Johnston	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>


TERI JOHNSTON, CHAIR

ATTEST:


CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST
201 William Street Key West, FL 33040 (305) 809-3790

EXECUTIVE SUMMARY

TO: Community Redevelopment Agency
FROM: Karen Olson, Deputy Director Port & Marine Services
DATE: May 11, 2022
SUBJECT: Cancel Construction Contract ITB #21-014

ACTION STATEMENT

Resolution cancelling the contract awarded to One Source Restoration & Building Services, Inc., for ITB #21-014 - REBID: CRSC Roof / Wall Cladding – Key West Historic Seaport.

BACKGROUND

One Source Restoration & Building Services, Inc. (One Source) was awarded the construction contract for ITB #21-014 through resolution #21-162. A two-part Notice to Proceed (NTP) was issued on February 23, 2022, instructing the contractor to begin the submittal and permitting process followed by the construction start date of April 25, 2022. The reason for the two-part NTP was to allow for the lead time verbally given from the materials manufacturer.

PURPOSE & JUSTIFICATION

One Source was never able to obtain shop drawings for the decking materials from the manufacturer or an exact time the materials would be available. Without the shop drawings for review no approvals could be made for ordering. As we continued to wait for a response on the materials the time window for construction passed.

Without assurances from the materials manufacturer on availability, One Source never proceeded with obtaining required permits or performance and payment bonds. Seaport staff believes it is in the best interest of the City to cancel this construction contract, without penalty, and readvertise next year with the anticipation of better materials availability.

FINANCIAL IMPACT

There are no known financial impacts associated with canceling this contract.

RECOMMENDATION

Seaport staff recommends cancelling the contract awarded to One Source Restoration & Building Services, Inc., for ITB #21-014 - REBID: CRSC Roof / Wall Cladding – Key West Historic Seaport.

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

EXECUTIVE SUMMARY

CONTRACT AGREEMENT

This Contract, made and entered into 3rd day of August 2021, by and between the City of Key West, hereinafter called the "Owner", and One Source Restoration & Building Services, 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 **ITB #21-014 RE-BID: CONCH REPUBLIC ROOF/ WALL REPLACEMENT – KEY WEST HISTORIC SEAPORT**

Key West, Florida to the extent of the Bid made by the Contractor, dated the 7th day of July, 2021, all in full compliance with the Contract Documents referred to herein.

The BIDDING REQUIREMENTS, including the signed copy of the BID FORM, the CONTRACT FORMS, DRAWINGS and/or SUPPLEMENTAL INFORMATION (if any), are hereby referred to and by reference made part of this Contract as fully and completely as if the same were fully set forth herein and are mutually cooperative therewith.

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 Bid 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 sixty (60) calendar days and to accept as full payment hereunder the amounts computed as determined by the Contract Documents and based on the said Bid.

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.

Liquidated Damages: The Contractor recognizes that time is of the essence and that the Owner will suffer financial loss if the Work is not completed within the dates specified in the paragraphs above, plus any extensions thereof allowed, in accordance with Article 58 of the General Conditions.

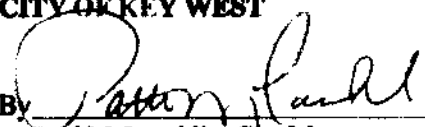
In the event the Contractor fails to complete the work within the time limit or extended time limit agreed upon, as more particularly set forth in the Contract Documents, liquidated damages shall be paid at a rate of **\$1,000.00** per day. Sundays and legal holidays shall be included in determining days in default.

This contract will automatically expire upon completion of the project. Contractors warranty obligations remain in affect.

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

18th day of November, A.D., 2021.

CITY OF KEY WEST

By 

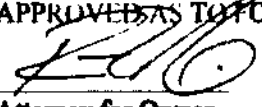
Patti McLauchlin, City Manager

ONE SOURCE RSTORATION & BUILDING
SERVICES, INC.

By 

Les Mouzon, Executive Vice-President

APPROVED AS TO FORM


Attorney for Owner

11/18/2021



Port & Marine Services
201 William Street
Key West, FL 33040

NOTICE TO PROCEED

Date: February 23, 2022 ITB #21-014 (KB75021901)

Contractor: One Source Restoration & Building Services, Inc.

Address: 102 S. Armenia Avenue
Tampa, Florida 33609

Project: CRSC Roof/ Wall Cladding Replacement – Key West Historic Seaport

You are hereby notified of your instruction to commence work on or before February 28, 2022, for the CRSC Roof / Wall Cladding Replacement project, in accordance with the Contract made with the City of Key West on August 3, 2021. Shop Drawing submittal, work scheduling and permitting to commence on this day.

April 25, 2022, the construction schedule is to begin, you are allotted sixty-seven (67) consecutive calendar days to complete the work. Substantial Completion must be reached no later than July 1, 2021.

All construction work to be performed at nighttime between the hours of 11:00pm and 9:00am.

Sincerely,

Karen Olson
Deputy Director
Port & Marine Services

Receipt of this NOTICE TO PROCEED is hereby acknowledged this, the 24th day of February 2022.

One Source Restoration & Building Services, Inc.

By:
Les Mouzon, Executive Vice-President

Please return one (1) copy of this notice to:

Karen Olson
City of Key West