

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AN EMERGENCY CHANGE ORDER APPROVED BY THE CITY MANAGER ON SEPTEMBER 28, 2021 IN THE AMOUNT OF \$9,266.93, AS PROVIDED FOR UNDER SECTION 2-845 AND 2-797(2) OF THE CODE OF ORDINANCES, TO CHARLEY TOPPINO & SONS, INC. FOR ADDITIONAL TASKS RELATED TO THE 19th STREET SIDEWALKS PROJECT; AUTHORIZING NECESSARY BUDGET ADJUSTMENTS AND TRANSFERS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 21-125, the City Commission approved a three-year Right of Way (ROW) contract with Charley Toppino & Sons, Inc. and in Resolution No. 21-146, the City Commission approved a Task Order under the ROW Contract for ADA Compliant Sidewalk on 19th Street from Duck Avenue to Flagler Avenue; and

WHEREAS, it was determined that additional work was necessary to fix access and drainage issues on abutting resident's property caused by the height of a new 85' section of installed sidewalk; and

WHEREAS, by commencing work immediately, the best interests of the City and its residents were served, and the contractor was be able to operate while equipment was already staged on-site, to minimize negative impacts on public health, welfare and safety; and

WHEREAS, the requested change order represents more than 5% of the total contract value of the project, and Section 2-845 of the Code of Ordinances requires City Commission approval of any change order in excess of five percent of any public service building or capital improvement project; and

WHEREAS, the City Manager acted without delay, using emergency powers authorized under 2-797(2), best interests, and Section 2-845 of the City's Code of Ordinances, to authorize and procure the necessary change order for additional work to ensure public safety and welfare; and

WHEREAS, Section 2-797(2) of the Code of Ordinances requires the City Commission to ratify such emergency purchases at its next scheduled meeting.

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

Section 1: That the attached Emergency Change Order signed on September 28, 2021 by the City Manager, for certain flatwork, curb and asphalt additions to the Task Order for 19th Street Sidewalks Project, pursuant to section 2-845 and 2-797(2) of the Code of Ordinances, to Charley Toppino & Sons, Inc., in an amount not to exceed \$9,266.93 is hereby approved (total adjusted project cost \$116,086.32).

Section 2: That funding for this emergency change order in the amount of \$9,266.93 will be from account #102-4102-541-6300, Project Number II41022101, for improvements in the right-of-way. Any necessary budget transfers and adjustments for this task order are hereby authorized.

Section 3: That the City Manager is authorized to execute any necessary documents for this Emergency Change Order, upon 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 _____ day of _____, 2021.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2021.

Filed with the Clerk on _____, 2021.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK