

RESOLUTION NO. 20-071

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AN EMERGENCY PROCUREMENT SIGNED MARCH 25, 2020 BY THE CITY MANAGER, AS PROVIDED FOR UNDER SECTION 2-797(2) OF THE CODE OF ORDINANCES, AUTHORIZING A TASK ORDER IN AN AMOUNT NOT TO EXCEED \$924,140.33 TO CHARLEY TOPPINO & SONS, INC. FOR DUVAL STREET IMPROVEMENTS FROM WALL STREET TO TRUMAN AVENUE; AUTHORIZING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 17-206, the City Commission approved a three-year Right of Way (ROW) contract with Charley Toppino & Sons, Inc., and in Resolution No. 19-054 the contract was extended for an additional year; and

WHEREAS, the Duval Street Improvements are currently being designed by Jacobs Engineering (CH2M). A design task order for this work was approved by City Commission per Resolution 19-366 on December 3, 2019; and

WHEREAS, in response to the COVID-19 threat, the City declared State of Local Emergency on March 15, 2020 in accordance with F.S. 252.38 and CKW Resolution 2007-182. The City most recently extended the State of Local Emergency 2020-05; and

WHEREAS, pursuant to the State of Local Emergency, tourists are temporarily not permitted in Key West, and non-essential businesses are temporarily closed. Due to these extraordinary circumstances, traffic and commercial activity on Duval Street is temporarily substantially reduced; and

WHEREAS, City staff convened on March 20, 2020, and determined that it would be efficient and economical to commence construction immediately, while businesses and traffic are limited, rather than waiting until the original August 2020 construction plan, and potentially propounding additional negative economic and safety impacts on area businesses and residents; and

WHEREAS, by commencing work immediately, the best interests of the City and its residents will be served, as there will be minimal additional impacts to businesses, and the contractor will be able to operate in safer, low-traffic conditions; and

WHEREAS, the City Manager acted without delay, using emergency powers authorized under Section 2-797(2) of the City's Code of Ordinances, to authorize and procure the necessary task order to commence construction on the Duval Street Improvement Project, to minimize negative impacts on public health, welfare and safety; and

WHEREAS, Section 2-797(2) of the City's 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 task order signed by the City Manager on March 25, 2020, pursuant to section 2-797(2) of the Code of Ordinances, for Duval Street Improvements from Wall Street to Truman Avenue to Charley Toppino & Sons, Inc., in an amount not to exceed \$924,140.33 is hereby ratified.

Section 2: That funding for this project will be from account # 102-4102-541-6300, Project Number II41022002-Paving. 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 Task 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 21st day of April, 2020.

Authenticated by the Presiding Officer and Clerk of the Commission on 22nd day of April, 2020.


Filed with the Clerk on April 22, 2020.

Mayor 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, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



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THE CITY OF KEY WEST

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

EXECUTIVE SUMMARY

Date: April 9, 2020

To: Gregory W. Veliz, City Manager

From: Kelly Crowe, P.E. City Engineer

CC: Patti McLauchlin, Assistant City Manager
Mark Finigan, Finance Director
Steve McAlearney, Director of Engineering

Subject: Ratification of Construction Task Order for Duval Street Improvements

Action Statement

Ratify a task order with Charley Toppino and Sons, Inc. (CTS) for Duval Street improvements in the amount of \$924,140.33. The task order was signed by the City Manager on March 25, 2020, in accordance with purchasing exemption under Sec. 2-797 (2) Emergency Procurement. Duval Street improvements from Wall Street to Truman includes construction of Americans with Disabilities Act (ADA) sidewalks and driveways, asphalt mill and pave, pavement marking, and failed asphalt base repair.

Background

The Duval Street Improvements are currently being designed by Jacobs Engineering (CH2M). A design task order for this work was approved by City Commission per Resolution 19-366 on December 3, 2019. Due to the declared State of Local Emergency in the City of Key West on March 15, 2020, many of the businesses on Duval Street have subsequently closed temporarily or are running at significantly reduced operations.

The construction phase of the project was expected to begin in August 2020. Staff convened on March 20, 2020, and determined that given the significantly reduced vehicle, bicycle and pedestrian traffic on Duval Street currently, it is in the city's best interest to begin work as soon as possible. Starting construction now will minimize impacts to businesses and will also allow the contractor to operate in a safer environment.

Purpose and Justification

In response to the COVID-19 threat, the City declared State of Local Emergency on March 15, 2020 in accordance with F.S. 252.38 and CKW Resolution 2007-182. The City most recently extended the State of Local Emergency 2020-05. Due to these extraordinary circumstances, Emergency Procurement for this contract has been invoked. Emergency Procurement is to be ratified by the City Commission at the next available meeting.

CTS will be performing the work under the 2017 Right of Way (ROW) Contract authorized by Resolution 17-106 and extended for an additional year by Resolution 19-054.

This project supports the Key West Strategic Plan, Infrastructure goals #4 *Long term sustainability of the City's hard assets*, and #5 *All of the City's destinations and resources are accessible to residents and visitors*.

Financial

Funds for project come from account #102-4102-541-6300, Project Number II41022002- Paving.

Recommendation

Staff recommends ratification in accordance to Emergency Procurement procedures of Sec. 2-797 (2) to approve the Task Order for the Duval Street Improvements from Wall Street to Truman Avenue to Charley Toppino & Sons Inc. in the amount of \$924,140.33.



THE CITY OF KEY WEST

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

PURCHASING EXEMPTION

Date: April 7, 2020

To: Greg Veliz, City Manager

From: Kelly Crowe, P.E., City Engineer

CC: Patti McLaughlin, Assistant City Manager
Mark Finigan, Finance Director
Steve McAlearney, Director of Engineering

Subject: Duval Street Improvements - Emergency Procurement

Action Statement

Approve purchasing exemption under Sec. 2-797 (2) Emergency Procurement, for a work order in the amount of \$924,140.33 to Charley Toppino & Sons Inc. (CTS) for Duval Street improvements from Wall Street to Truman Avenue to include construction of Americans with Disabilities Act (ADA) curb ramps and driveways, asphalt mill and pave, pavement marking and failed asphalt base repair.

Background

The Duval Street Improvements are currently being designed by Jacobs Engineering (CH2M). A design task order for this work was approved by City Commission per Resolution 19-366 on December 3, 2019. The plans are at approximately 90% completion. Due to the declared State of Local Emergency in the City of Key West on March 15, 2020, many of the businesses on Duval Street have subsequently closed temporarily or are running at significantly reduced operations.

The construction phase of the project was expected to begin in August 2020. Staff convened on March 20, 2020 and determined that given the significantly reduced vehicle, bicycle and pedestrian traffic on Duval Street currently, it is in the city's best interest to begin work as soon as possible. Starting construction now will minimize impacts to businesses and will also allow the contractor to operate in a safer environment.

The scope of the project is to: upgrade curb ramps and driveway cuts to ADA standards, repair trench failures, mill, pave and install new pavement markings.

Purpose and Justification

In response to the COVID-19 threat, the City declared State of Local Emergency on March 15, 2020 in accordance with F.S. 252.38 and CKW Resolution 2007-182. On March 22, the City continued the State of Emergency an additional seven days. Due to these extraordinary circumstances, Emergency Procurement for this contract is being invoked. This Emergency Procurement must be ratified by the City Commission at the next available meeting.

CTS will be performing the work under the 2017 Right of Way (ROW) Contract authorized by Resolution 17-106 and extended for an additional year by Resolution 19-054. The work will require three (3) separate mobilizations for each phase of the work: concrete, paving and striping. The total cost of the mobilization is \$15,000 and is well under the industry standard of 10% of the project cost and is therefore considered reasonable by city staff.

This project supports the Key West Strategic Plan, Infrastructure goals #4 *Long term sustainability of the City's hard assets*, and #5 *All of the City's destinations and resources are accessible to residents and visitors*.

Financial

Funds for project will be used from account #102-4102-541-6300, Project Number II41022002-Paving. Upon approval, a work order will be issued to CTS in the amount of \$924,140.33.

Recommendation

Staff recommends City Manager utilize Emergency Procurement procedures of Sec. 2-797 (2) to approve project for the Duval Street Improvements from Wall Street to Truman Avenue to Charley Toppino & Sons Inc. in the amount of \$924,140.33.

Greg Meliz, City Manager

3/25/20
Date



Work Order Proposal
Right-of-Way Contract
 ITB 17-017
 P.O. # _____

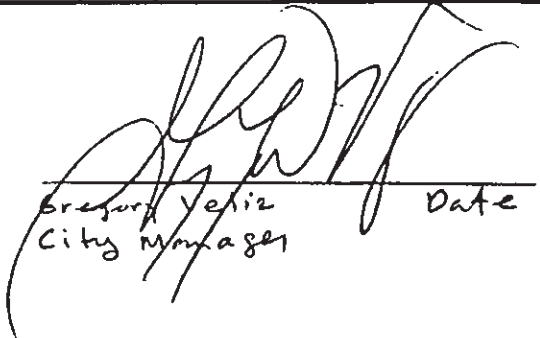
DATE: 3/25/20

Location: Duval Street, Key West FL 33040

Work: Roadway & Sidewalk Improvements (as outlined below)

ITEMIZED QUANTITIES
 Task Order _____

Item	Description	Quantity	Units	Cost per Unit	Line Item Cost	Notes
1	Mobilization	1.0	EA	\$ 5,000.00	\$ 5,000.00	
2	AC Milling	14380.0	SY	\$ 7.60	\$ 109,138.00	
3	AC Superpave (2.5")	1880.0	TON	\$ 213.00	\$ 400,440.00	
4	Adjust Manholes	24.0	EA	\$ 550.00	\$ 13,200.00	
5	Adjust Meter Box	50.0	EA	\$ 100.00	\$ 5,000.00	
6	Filled Seepage Trench	720.0	SY	\$ 119.00	\$ 85,680.00	
7	Mobilization	1.0	EA	\$ 5,000.00	\$ 5,000.00	
8	Type "F" Curb	1,850.0	LF	\$ 40.00	\$ 68,000.00	
9	Type "D" Curb	475.0	LF	\$ 32.00	\$ 15,200.00	
10	Concrete Sidewalk (8')	1,220.0	SY	\$ 83.00	\$ 101,260.00	
11	Detectable Warning	324.0	SF	\$ 15.00	\$ 4,860.00	
12	Mobilization	1.0	EA	\$ 5,000.00	\$ 5,000.00	
13	RPM's	8.0	EA	\$ 9.00	\$ 72.00	
14	Thermo 6" White	2,520.0	LF	\$ 1.30	\$ 3,276.00	
15	Thermo 12" White	2,880.0	LF	\$ 3.25	\$ 9,360.00	
16	Thermo 24" White	240.0	LF	\$ 5.00	\$ 1,200.00	
17	Thermo 6" Yellow	9,030.0	LF	\$ 1.40	\$ 12,642.00	
18	Thermo 12" Yellow	9,030.0	LF	\$ 4.00	\$ 36,120.00	
19	Painted Pave Marking 6" White (temporary)	9,030.0	LF	\$ 2.00	\$ 18,060.00	
20	New Sign Post & Sign	30.0	EA	\$ 450.00	\$ 13,500.00	
21	New Sign Post	5.0	EA	\$ 275.00	\$ 1,375.00	
	Subtotal				\$ 911,381.00	
22	Performance/Payment Bonds (% of subtotal)			1.40%	\$ 12,759.33	
	Total				\$ 924,140.33	
Notes:						
Exclusions:						
Prepared by:						
Andrew Toppino, Estimator						
Charley Toppino & Sons, Inc.					TO	
					Sheet	
					1 of 1	
Date: <u>3/25/20</u>						


 Gregory Yeliz
 City Manager
 Date _____

RESOLUTION NO. 17-106

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF CHARLEY TOPPINO AND SONS, INC. AND THE BID OF D.N. HIGGINS, INC. FOR RIGHT OF WAY IMPROVEMENTS 2017, IN ACCORDANCE WITH THE TERMS SPECIFIED IN ITB 17-017, INCLUDING UNIT PRICING (A TOTAL AMOUNT NOT TO EXCEED BUDGETED FUNDS OF \$2,500,000.00); AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EACH CONTRACTOR IN SUBSTANTIAL CONFORMANCE WITH THE CONTRACT DOCUMENTS CONTAINED IN THE BID PACKAGE AND UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; AUTHORIZING A BUDGET TRANSFER; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 22, 2017 two bids were opened in response to ITB #17-017, for Right-of-Way Improvements 2017, and the bids were determined to be responsive; and

WHEREAS, within the Invitation to Bid, the City reserved "the right to award contracts to multiple bidders (maximum of two) as necessary to meet required work schedules; and

WHEREAS, City staff recommends award of bid to two contractors, with the knowledge that work will be performed on a unit price basis in accordance with the Unit Price Schedule of Values included in the bid proposals submitted by Charley Toppino & Sons, Inc. and D.N. Higgins, Inc., and that individual work orders will be issued by City staff and approved by the City Manager for the selected project locations.

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

Section 1: That the bids of Charley Toppino and Sons,
Inc. and D.N. Higgins, Inc. for the Right-of-Way Improvements
Project in accordance with the terms specified in ITB #17-
017 are hereby accepted, in a combined amount not to exceed
the FY 16-17 budgeted amount of \$2,500,000.00.

Section 2: That the City Manager is authorized to
execute a contract with each contractor in substantial
conformance with the contract documents contained within the
bid package on behalf of the City of Key West, upon the advice
and consent of the City Attorney.

Section 3: That a budget transfer in the amount of
\$250,000.00 is authorized from the City-wide Paving Account
(II41021702) to the Shoulder Restoration Program (II41021703)
account.

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 4th day of April, 2017.

Authenticated by the Presiding Officer and Clerk of the Commission on 5th day of April, 2017.

Filed with the Clerk on April 5, 2017.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Clayton Lopez	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Richard Payne	<u>Absent</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



GRAIG CATES / MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

RESOLUTION NO. 19-054

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A ONE-YEAR EXTENSION OF THE CONTRACT APPROVED IN RESOLUTION NO. 17-106 BETWEEN THE CITY AND CHARLEY TOPPINO AND SONS, INC. FOR RIGHT OF WAY IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE-YEAR CONTRACT EXTENSION IN SUBSTANTIAL CONFORMANCE WITH THE CONTRACT DOCUMENTS, UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 17-106 the City awarded a contract for "General Right-of-Way Improvements" to Charley Toppino and Sons, Inc.; and

WHEREAS, the Charley Toppino and Sons has requested, and City staff recommends approval of a one-year extension as described in the contract; and

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

Section 1: That a one-year extension of the contract between the City and Charley Toppino and Sons, Inc. for the Right-of-Way Improvements Project is hereby approved in accordance with the terms specified in the Contract approved in Resolution 17-106.

Section 2: That the City Manager is authorized to execute a contract extension on behalf of the City of Key West, upon the advice and consent of the City Attorney.

Section 3: Future task orders are subject to City Commission/City Manager approval of identified projects. Unit prices from the current base contract are unchanged.

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 20th day of February, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on 21st day of February 2019.

Filed with the Clerk on February 21, 2019.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<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>Absent</u>


TERI JOHNSTON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK