



## THE CITY OF KEY WEST

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### EXECUTIVE SUMMARY

**Date:** March 17, 2017

**To:** Jim Scholl, City Manager

**From:** James Bouquet, P.E., Director of Engineering

**Cc:** Greg Veliz, Assistant City Manager  
Mark Finigan, Finance Director

**Subject:** Approve the Award of RFP 004-17 *Truman Annex/NOAA Seawall* Design-Build Construction to Ebsary Foundation Company.

### ACTION STATEMENT

Approve a contract award of \$1,163,575.00 to Ebsary Foundation Company for design-build construction of the Truman Annex/NOAA Seawall. Authorize the City Manager to execute this agreement and any necessary budget transfers/amendments. Approve the use of Owner Direct Purchase program via Key West Code Section 2-797 (4) Exempt Contractual Services to eliminate sales tax fee on selected materials.

### BACKGROUND

Tetra Tech Inc. (TTI), under Resolution 15-333, completed the conceptual design with engineering standards and permitting for the Truman Annex / NOAA Seawall project. TTI and City staff subsequently prepared and let for bid Request for Proposal (RFP) 004-107. Respondents consisted of the following:

Blue Goose Construction, LLC  
Charley Toppino & Sons, Inc.  
Ebsary Foundation Company  
Inland Construction and Engineering, Inc.  
Shoreline Foundation, Inc.

MEMORANDUM

Five proposals, each consisting of a sealed Technical Proposal packet and Cost Proposal packet were received by the City Clerk on March 2, 2017. Technical Proposal packets were issued to members of the ranking committee. The members of that committee were: Devon Steckly (Project Manager), Jim Bouquet (Director of Engineering), Kreed Howell (Senior Construction Manager, Lisa Symons (NOAA) and Stuart McGahee (TTI). The members separately reviewed and scored the Technical Proposal packets without discussion among themselves. Opening of the Cost Proposal packets and scoring were conducted in the presence of the City Clerk at a public meeting on March 10, 2017. As an RFP, the recommended design-builder selection was based on a scoring system of qualifications (60%) and cost (40%). Respective bid proposals, proposal ranking and cost summary form and bid tabulation are attached.

As indicated in the summary form, the two highest ranked proposers were:

<u>Firm</u>	<u>Score</u>	<u>Lump Sum Base Bid</u>
Ebsary Foundation Company (Ebsary)	442	\$1,163,575.00
Blue Goose Construction, LLC (Blue Goose)	431	\$1,161,600.00

Review of the proposal attachments found that Ebsary did not include signed City required forms including, but not limited to, Indemnification, Anti-Kickback, Public Entity Crimes, Equal Benefits for Domestic Partners, etc. Based on the assigned scores, the ranking committee deemed that non-inclusion of these forms did not warrant rejection of the bid. Ebsary was subsequently requested to provide the signed forms prior issuance of the Notice of Award.

Based on ranking committee review and scoring, Staff recommends selection of Ebsary to perform design-build work associated with this project.

The Ebsary lump sum base bid cost breakdown by specified Notice to Proceed (NTP) is as follows:

Administrative NTP No. 1:	\$ 50,000.00
Design NTP No. 2:	\$ 210,000.00
Construction NTP No. 3:	<u>\$ 903,575.00</u>
Total Based Bid:	\$1,163,575.00

Bid Alternates A and C for Targuard Coal Tar Epoxy coating were not accepted due to funding considerations and that the specified A690 steel sheet piling provides adequate corrosion resistance. The City reserves the right to utilize deductive Bid Alternate B should the length of sheet pile wall need to be reduced due to funding or unforeseen site conditions.

### **PURPOSE AND JUSTIFICATION**

The existing seawall on the City property at the northwest corner of the boat ramp and on the north side of the NOAA/National Marine Sanctuary property is in poor condition. Undermining of the wall

toe and wall backfill is evidence of this poor condition. Wall replacement is required for short and long term stability of the seawall.

This project supports Goal #4 of the 2011 Key West Strategic Plan, specifically: *Long term sustainability of the City's hard assets.*

### **FINANCIAL**

The project lump sum cost of \$1,163,575.00 is funded from budget account 101-4303-543-6300, Project # TR1503 (Truman Waterfront/ NOAA Sewall Repair). Non-City funding sources in this account include:

National Marine Sanctuary Foundation:	\$220,000.00
Navy Public Benefit Lease In-Kind Funds:	\$365,000.00
Florida Defense Support Task Force Grant:	\$150,000.00
FDOT Seaport Program Grant (FY 2017):	\$256,365.00
FDOT Seaport Program Grant (FY 2018):	\$256,365.00

Based on the above funding and excluding prior encumbrances for investigation, conceptual design and proposal package preparation, \$1,176,750.00 currently remains available for design-build construction. The FY 2018 FDOT Seaport Program Grant will be available July 1, 2017. As a result, NTP No. 3 will be divided into two subphases, with authorization to proceed with the second subphase issued after July 1, 2017.

Owner Direct purchase will be utilized to further reduce project costs by procuring larger dollar value materials at before tax prices.

### **RECOMMENDATION**

Engineering staff recommends approving a contract award of \$1,163,575.00 to Ebsary Foundation Company for design-build construction of the Truman Annex/NOAA Seawall, authorizing the City Manager to execute this agreement and any necessary budget transfers/amendments, and approving the use of Owner Direct Purchase program via Key West Code Section 2-797 (4) Exempt Contractual Services to eliminate sales tax fee on selected materials.