

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE USE OF AN OWNER DIRECT PURCHASE PROGRAM TO ELIMINATE SALES TAX FEES ON SELECT PROJECT MATERIALS (SAND) FOR SMATHERS BEACH RE-NOURISHMENT, IN CONFORMANCE WITH TERMS CONTAINED IN THE PROJECT CONTRACT BETWEEN THE CITY AND EARTH TECH ENTERPRISES, INC.; RATIFYING PURSUANT TO SECTION 2-797(4)(B) OF THE CODE OF ORDINANCES, AN EMERGENCY PROCUREMENT DATED APRIL 1, 2019, FROM VULCAN CONSTRUCTION MATERIALS LLC, IN THE AMOUNT OF \$176,460.00, UNDER THE ODP PROGRAM; AUTHORIZING ANY NECESSARY BUDGET ADJUSTMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution 18-197, the City Commission awarded a contract for Smathers Beach Renourishment to Earth Tech Enterprises, Inc.; and

WHEREAS, City staff, in discussion with the contractor for the Smathers Beach Re-Nourishment Project, determined that use of an Owner Direct Purchase program could result in project cost savings in excess of \$12,000.00, by eliminating sales tax costs on selected project materials; and

WHEREAS, due to a Field Permit deadline of April 15 (due to turtle nesting season), the City Manager found that exceptional circumstances exist pursuant to City Code Section 2-797(4)(b), to exempt a purchase from the competitive bid requirements in the best interests of the City, and recommends ratification of a procurement approved on April 1, 2019 for the Smathers Beach Renourishment Project; and

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

Section 1: That the use of an Owner Direct Purchase program for select project materials for the Smathers Beach Renourishment Project is hereby approved in conformance with the contract between the City and Earth Tech Enterprises, Inc.

Section 2: That the City Commission, in accordance with Section 2-797(4)(b) of the Code of Ordinances, hereby ratifies the emergency procurement approved by the City Manager on April 1, 2019 from Vulcan Construction Materials LLC, in the amount of \$176,460.00, resulting in initial estimated project savings of \$12,352.00 via the Owner Direct Purchase program

Section 3: That funds for this task order are budgeted under Account 103-1900-519-4600/Project FT 19001801, and any necessary budget adjustments are hereby authorized.

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 _____, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2019.

Filed with the Clerk on _____, 2019.

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

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK