

RESOLUTION NO. 09-079

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE EXECUTION OF WORK ORDER #7 TO RE-NOURISH KEY WEST BEACHES UNDER THE GENERAL SERVICES CONTRACT GN 0708 WITH CHARLEY TOPPINO & SONS FOR THE PLACEMENT OF UP TO 9,371 TONS OF ORTONA SAND IN AN AMOUNT NOT TO EXCEED \$567,665.30; AUTHORIZING AN ADVANCE PAYMENT TO CHARLEY TOPPINO & SONS FOR A PORTION OF THE COST OF TRUCKING TO BE PAID AT THE RATE OF \$60,000 UPON MOBILIZATION OF THE PROJECT; PROVIDING FOR AN EFFECTIVE DATE

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

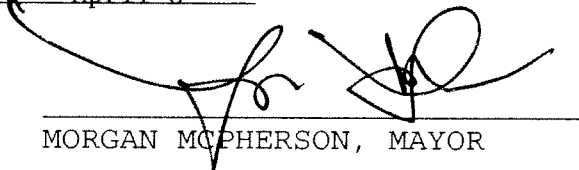
Section 1: That the attached work order #7, Sand Placement, project number HU0801, for Charlie Toppino and Sons, Inc., in an amount not to exceed \$567,665.30 is hereby approved.

Section 2: 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 7TH day of April, 2009.

Authenticated by the presiding officer and Clerk of the Commission on April 8, 2009.

Filed with the Clerk April 8, 2009.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY

Date: March 18, 2009

To: James Scholl, City Manager

From: Annalise Mannix, P.E., Manager of Engineering Services and Environmental Programs

Via: Gary Bowman, Director of General Services

Subject: Approve Work Order # 7 of the General Service Contract with Charley Toppino & Sons in the amount of \$567,665.30 to place sand on Key West Beaches

Action Statement

Resolution authorizing the execution of Work Order # 7 to re-nourish Key West beaches under the General Services Contract GN 0708 with Charley Toppino & Sons for the placement of up to 9,371 tons of Ortona sand at an estimated total cost of \$567,665.30; authorizing an advance payment to Charley Toppino and Sons for a portion of the cost of trucking to be paid at the rate of \$60,000 upon mobilization of the project.

Strategic Plan Initiative

Maintenance and enhancement of the physical environment of Key West and its near shore waters is one of the city's seven strategic priorities. This sand placement not only repairs the damage from the 2008 hurricane season, but also accomplishes much of our planned, above mean high water, re-nourishment of the City's beaches. Planned maintenance extends the useful life and maintains the integrity of the beaches. Locals and tourists alike will benefit from the re-nourished beaches

Project Issue

In 1995 the City of Key West constructed CB Harvey Rest Beach Park creating a wonderful swimming beach and picnic area. The City has three "pocket" beaches named Dog Beach, Simonton Beach and South Beach. The City maintains emergency berms (dune) on the beaches to reduce wave damage to infrastructure.

In 2000 the City of Key West completed a long awaited (18 years in environmental permitting) Smathers Beach re-nourishment. The beach was filled and groins added to design a beautiful beach. Immediately prior to that project the city built "emergency berms" which are basically dune systems to protect landward infrastructure at all five Key West Beaches. The city replaces the emergency berms after each large storm event that affects the beaches. The 2008 hurricane season caused a sand loss to the beaches and the emergency berms totaling 5,259 cubic yards. The previous year 6,246 cubic yards was lost to unnamed storm events. This proposed project replaces the emergency berms, re-nourishes the hurricane impacts and places much of the planned maintenance sand that was lost to unnamed storms. The remaining planned maintenance is underwater renourishment and those projects cannot be started until permits are authorized from the environmental agencies.

The attached work order is to rebuild the emergency berms on Smathers, Rest Beach, South, Simonton, Dog and perform scheduled and emergency sand placement at Smathers and Rest Beach. Sand lost at "Smathers Cove" cannot be replaced with out a special environmental permit which we do not currently have (it may take years to obtain). This area is very important to the city so staff will budget funding for permitting application next year.

The City of Key West maintains a General Services Contract (GSC) which is competitively bid for the purpose of performing emergency work to the utilities, rights-of-way and beaches and for planned work that is more economically performed through the contract than bidding separately. This is a 2-year contract with an option to extend for 1-year at the same unit prices. The City Commission awarded the contract to Charley Toppino & Sons (CTS) on 7/05/07 by resolution 07-229. The contract will be used for this beach project. The bid price for Ortona sand in the contract is \$65 per ton. We approached CTS requesting a discounted sand price due to staff determination that currently we could obtain the sand at a reduced cost. Due to reduced diesel fuel trucking costs and if the city pays for trucking fees weekly (or upon mobilization), CTS has offered to reduce the sand cost to \$34.95 per ton delivered. This will save the City \$280,000. This is an excellent deal for the city. We are confident we could not get a better price for delivered sand from a bonded company.

Financial Impact

The unit price for sand delivered is exceptional; the cost estimate for the delivered beach sand and the installation is within the engineers estimate and is a fair and equitable price for both the mainland and Key West.

The City has budgeted in the 2009 budget \$325,000.00 for sand placement on Smathers Beach and \$265,000.00 for sand placement at Rest Beach as *part* of its planned maintenance. Additional sand lost due to hurricanes would increase the cost however FEMA does fund sand loss on maintained man made beaches.

Using all our eligible grants the City's portion of this project will only be \$128,046.59, allowing the remainder to be used for the underwater renourishment when permits are authorized.

Engineering Services has worked closely with the FEMA representatives to designate projects eligible for FEMA funding that were affected by Tropical Storm Fay and Hurricane Ike. The projects listed below were designated eligible and the City intends to apply to FEMA for disaster recovery reimbursement to offset a portion the cost. To qualify the projects must meet all of FEMA's relevant rules, regulations and procedures. The FEMA eligible portion is up to 75% of the cost of the \$361,797.16 "FEMA" projects listed in the chart below. If for some reason funding is not forthcoming, the city will still fund the project with the infrastructure surtax funds budgeted for beaches and shift more eligible Smathers and Rest beach work to the FDEP 50/50 grant.

The portion of the work that is part of our planned sand re-nourishment scheduled for this year will be funded by the City and its partners. The beach maintenance on Smathers and Rest beaches is funded 50% by the state FDEP and we have obtained Tourist Development Council grants to match our "local" share of the project so the city's outlay is only 25% of the project cost. A chart of financial responsibility is below.

	<i>FEMA eligible portion</i>	<i>TDC portion</i>	<i>FDEP portion</i>	<i>City Portion</i>
<i>Smathers Truck Haul</i>	0	\$42,950.84	\$85,901.67	\$42,950.84
<i>Rest Truck Haul</i>	0	\$8,516.20	\$17,032.40	\$8,516.20
<i>Rest FEMA</i>	\$13,312.00	\$4,953.11	0.00	\$4,953.11
<i>Rest FEMA Berm</i>	\$44,357.00	\$12,382.09	0.00	\$12,382.09
<i>South FEMA Berm</i>	\$23,643.00	0	0	\$22,395.51
<i>Simonton FEMA Berm</i>	\$10,543.00	0	0	\$12,697.47
<i>Dog FEMA Berm</i>	\$5,804.00	0	0	\$8,262.97
<i>Smathers FEMA Beach Face</i>	\$154,335.00	\$15,888.41	0	\$15,888.41
Total	\$251,994.00	\$84,690.64	\$102,934.07	\$128,046.59

The City will also incur construction engineering and inspection (CEI), construction management and grant management and administrative costs for this project (see attached 2009 Beach Projects Budget Estimate chart).

Options

Option# 1 Approve Work Order # 7 for sand placement to Charley Toppino & Sons up to \$567,665.30. The advantage to performing the work under the GSC is that the contractor has done this work before and does a good job. The lack of implementing a bidding process reduces the award timing from 6 months to two and saves approximately \$7,900 for preparing bidding documents and bidding services.

There is no disadvantage to performing the work under the GSC.

Option # 2 Bid the project separately. The advantage to bidding the project is you may receive lower sand and placement prices. However, staff does not believe this can happen at the discounted price CTS is willing to authorize.

The disadvantage to bidding the project is that it would take up to four to six months to bid the project and we may receive higher prices.

Option # 3 Do not perform the project. Maintenance of the beach is important to the commerce of the city. Many hotel and guest house visitors enjoy our beaches, and good news about the quality of our beaches travels fast. Additionally, it is incumbent on staff to maintain the beaches by installing sand periodically or: 1. Our beaches will not be eligible for FEMA disaster funding and 2. It will be harder to obtain environmental permits because less nourishment correlates to more seagrass growth in the water, more seagrass means more mitigation costs to the city.

Recommendations

Approve Work Order # 7 of the General Service Contract with Charley Toppino & Sons up to \$567,665.30 to place sand on Key West Beaches.

Spring 2009 Beach Projects Budget Estimate

3/18/2009

	FEMA Sand Volume (CY)	Sand Quantity (tons)	GSC unit cost (\$34.8/ton)	GSC haul sand delivery cost (\$)	GSC haul sand delivery (\$)	GSC Inert fill (\$/cu yd)	GSC Inert fill (\$)	GSC Mobilization (mobilize and install) (\$)	GSC total project costs	Inspection / Contract Management Consultant	Engineering Services GSC Admin Costs	General Services Grant Management	Total GSC Project Cost w/CEI	FEMA available	TDC available	FREP available	FEMA Project
Smathers Truck Haul		3000	\$ 104,850.00	\$1,887.30	\$54,780.00	\$986.04	\$9,300.00	\$171,803.34	\$3,377.50	\$685.71	\$225.00	\$176,091.55	0	\$42,950.84	\$85,901.67	\$42,950.84	
Rest Truck Haul		500	\$ 17,475.00	\$314.55	\$14,514.00	\$261.25	\$1,500.00	\$24,064.80	\$3,377.50	\$685.71	\$225.00	\$38,353.02	0	\$8,516.20	\$17,032.40	\$8,516.20	
Rest FEMA*	250	342	\$ 11,952.90	\$215.15	\$9,676.00	\$174.17	\$1,200.00	\$23,218.22	\$3,377.50	\$685.71	\$225.00	\$27,506.43	\$13,312.00	\$4,953.11	0.00	\$4,953.11	
Rest FEMA berm	833	1141	\$ 39,877.95	\$717.80	\$24,190.00	\$435.42	\$3,900.00	\$69,121.17	\$3,377.50	\$685.71	\$225.00	\$73,409.39	\$44,357.00	\$12,382.09	0.00	\$12,382.09	
South FEMA berm	444	608	\$ 21,249.60	\$382.49	\$21,912.00	\$394.42	\$2,100.00	\$46,038.51	\$3,377.50	\$685.71	\$225.00	\$50,326.72	\$23,643.00	0	0	\$22,395.51	
Simonton FEMA berm	198	271	\$ 9,471.45	\$170.49	\$12,474.00	\$224.53	\$900.00	\$23,240.47	\$3,377.50	\$685.71	\$225.00	\$27,528.68	\$10,543.00	0	0	\$12,697.47	
Dog FEMA berm	109	149	\$ 5,207.55	\$93.74	\$8,316.00	\$149.69	\$300.00	\$14,066.97	\$3,377.50	\$685.71	\$225.00	\$18,355.19	\$5,804.00	0	0	\$8,262.97	
Smathers FEMA beach face	2453	3360	\$ 117,432.00	\$2,113.78	\$54,780.00	\$986.04	\$10,800.00	\$186,111.82	\$3,377.50	\$685.71	\$225.00	\$190,400.03	\$154,335.00	\$15,888.41	0	\$15,888.41	
Total		9371	\$ 327,516.45	\$5,895.30	\$200,642.00	\$3,611.56	\$30,000.00	\$587,665.30	\$27,020.00	\$5,485.71	\$1,800.00	\$601,971.02	\$251,994.00	\$84,690.64	\$102,934.07	\$128,046.59	

* Optional if more sand can be installed within permit constraints
 * Install estimate based on ratio of days and costs used during last fill project

CONSTRUCTION CONTRACTOR
WORK ORDER

Contract Title: GENERAL SERVICES CONTRACT 2007

Work Order Title: **Work Order # 7, Sand Placement**

Project # HU 0801

CONTRACT NUMBER:GN 0708

This Work Order is an authorization to proceed with the work described herein under the General Services Contract between the City of Key West and Charley Toppino & Sons Inc. dated August 27,2007. All work shall be executed under the provisions of the General Services Contract except as adjusted within this work order.

The Scope of Work is described as follows:

Provide all sand, labor and equipment to place sand on Smathers, Rest, Simonton, South & Dog Beach as directed by Engineering Services

CONTRACTOR'S DECLARATION AND UNDERSTANDING

The contractor declares that he has carefully examined the Contract Documents, including this Work Order, that he has personally inspected the potential sites and the overall project area in general, that he has satisfied himself as to the quantities that may be involved, including materials and equipment, and conditions of work that may be involved, including the fact that the description of the quantities of work and materials, as included herein, is brief and is intended only to indicate that general nature of the work and to identify the said quantities with the detailed requirements of the Contract Documents, and that this Work Order is made according to the provisions and under the terms of the General Services Contract Documents between the City of Key West and Charley Toppino & Sons Inc. dated April 2007 which this Work Order is hereby made a part of.

START OF CONSTRUCTION AND CONTRACT COMPLETION TIME

The bidder further agrees to begin work as directed by city staff and to complete the construction, in all respects for this work order, within 30 calendar days.

UNIT PRICE ITEMS

The contractor further proposes to accept as full payment for the work proposed herein the amounts computed under the provisions of the Contract Documents and based on the following unit price amounts, it being expressly understood that the unit prices are independent of the exact quantities involved. The amount shall be shown in both words and figures. In case of a discrepancy, the amount shown in words shall govern.

Unit prices for items already established in the General Services Contract shall be identical to those provided in this Work Order.

The cost of items not established in the General Services Contract shall be established according to the Contract Documents including Section 01005, HOURLY RATES FOR PERSONNEL AND EQUIPMENT. The contractor shall provide with this Work Order submittal a complete breakdown of the costs for labor, equipment, and material for these supplemental work items. Unit prices for labor and equipment shall be identical to those established in the General Services Contract, where applicable. Costs for labor, equipment, and materials not established in the General Utility Services Contract shall be supported by documentation submitted with this Work Order.

Payment for materials and equipment authorized by the ENGINEER in a written Work Order but not listed in the above Proposal will be provided at the suppliers invoice plus shipping plus 25 % for overhead and profit.

SUBCONTRACTORS

The Contractor further certifies that the following subcontracting firms or businesses will be awarded subcontracts for the following portions of the work:

Portion of Work: _____

Name _____

Street _____ City _____ State _____ Zip _____

Portion of Work: _____

Name _____

Street _____ City _____ State _____ Zip _____

Portion of Work: _____

Name _____

Street _____ City _____ State _____ Zip _____

ACCEPTANCE

By signature, the parties each accept the provisions of this work order and authorize Toppino's Inc. to proceed at the direction of the City's representative in accordance with the General Services Contract between the City of Key West and Charley Toppino & Sons Inc. dated August 27, 2007.

Charley Toppino & Sons Inc.

By: Frank P. Toppino

Date: 3-19-09

City of Key West

By: J. K. Schall

Date: 09 APRIL 2009

Sub Total Estimated Cost of Work Order # 7 (see attached breakdowns by beach)	\$528,158.45
Payment & Performance bonds @ \$18.00 per \$1,000.00	<u>9,506.85</u>
	\$537,665.30
Mobilization & Demobilization 20% or \$30,000 max	30,000.00
Total estimated Work Order # 7 amount	\$567,665.30

City of Key West

Engineering Services

604 Simonton Street
 Key West, Florida 33040
 (305) 809 - 3867



Construction Cost Estimate

Project # HU 0801

Work Order # 7

General Services Contact GN 0708

Project HU 0801

SMATHERS BEACH

SMATHERS BEACH

DIV	Type of Work	Quantity	Units	Cost per Unit	Line Item Cost	Notes
	MOBILIZATION/DEMobilIZATION		LS		\$10,800.00	
	MATERIALS					
	ORTONA SAND ON BEACH FACE (FEMA PW Cat G)	3,360	Tons	\$34.95	\$117,432.00	
	PERSONNEL & EQUIPMENT					
	SUPERINTENDENT	40	HR	\$87.50	\$3,500.00	
	FOREMAN	80	HR	\$60.00	\$4,800.00	
	OPERATOR (4)	320	HR	\$40.00	\$12,800.00	
	LABORERS (2)	160	HR	\$28.00	\$4,480.00	
	SAND TRUCK	80	HR	\$80.00	\$6,400.00	
	FRONT END LOADER (2)	160	HR	\$100.00	\$16,000.00	
	DOZER	80	HR	\$85.00	\$6,800.00	
	MOBILIZATION/DEMobilIZATION		LS		\$9,300.00	
	MATERIALS					
	ORTONA SAND /TRUCK HAUL (City)	3,000	tons	\$34.95	\$104,850.00	
	PERSONNEL & EQUIPMENT					
	SUPERINTENDENT	40	HR	\$87.50	\$3,500.00	
	FOREMAN	80	HR	\$60.00	\$4,800.00	
	OPERATOR (4)	320	HR	\$40.00	\$12,800.00	
	LABORERS (2)	160	HR	\$28.00	\$4,480.00	
	SAND TRUCK	80	HR	\$80.00	\$6,400.00	
	FRONT END LOADER (2)	160	HR	\$100.00	\$16,000.00	
	DOZER	80	HR	\$85.00	\$6,800.00	
	TOTAL				\$351,942.00	

SCHEDULE: 1 CREW,30 DAYS

NOTE: THIS IS A PRELIMINARY COST ESTIMATE.

WORK ORDER # 7

General Services Contact GN 0708

Project HU 0801

REST BEACH

REST BEACH

ITEM #	Type of Work	Quantity	Units	Cost per Unit	Line Item Cost	Notes
	MOBILIZATION/DEMOBILIZATION		LS		\$3,900.00	
	MATERIALS					
39	ORTONA SAND ON BERM (FEMA PW Cat B)	1,141	Tons	\$34.95	\$39,877.95	
	PERSONNEL & EQUIPMENT					
5	SUPERINTENDENT	20	HR	\$87.50	\$1,750.00	
6	FOREMAN	40	HR	\$60.00	\$2,400.00	
7	OPERATOR (4)	160	HR	\$40.00	\$6,400.00	
8	LABORERS (2)	80	HR	\$28.00	\$2,240.00	
19	SAND TRUCK	0	HR	\$80.00	\$0.00	
14	FRONT END LOADER (2)	80	HR	\$100.00	\$8,000.00	
29	DOZER	40	HR	\$85.00	\$3,400.00	
	SUB TOTAL					\$67,967.95
	MOBILIZATION/DEMOBILIZATION		LS		\$1,200.00	
	MATERIALS					
39	ORTONA SAND ON BEACH FACE (FEMA PW Cat G)	342	Tons	\$34.95	\$11,952.90	
	PERSONNEL & EQUIPMENT					
5	SUPERINTENDENT	8	HR	\$87.50	\$700.00	
6	FOREMAN	16	HR	\$60.00	\$960.00	
7	OPERATOR (4)	64	HR	\$40.00	\$2,560.00	
8	LABORERS (2)	32	HR	\$28.00	\$896.00	
19	SAND TRUCK		HR	\$80.00	\$0.00	
14	FRONT END LOADER (2)	32	HR	\$100.00	\$3,200.00	
29	DOZER	16	HR	\$85.00	\$1,360.00	
	SUB TOTAL					\$22,828.90
	MOBILIZATION/DEMOBILIZATION		LS		\$1,500.00	
	MATERIALS					
39	ORTONA SAND /TRUCK HAUL (City)	500	tons	\$34.95	\$17,475.00	
	PERSONNEL & EQUIPMENT					
5	SUPERINTENDENT	12	HR	\$87.50	\$1,050.00	
6	FOREMAN	24	HR	\$60.00	\$1,440.00	
7	OPERATOR (4)	96	HR	\$40.00	\$3,840.00	
8	LABORERS (2)	48	HR	\$28.00	\$1,344.00	
19	SAND TRUCK		HR	\$80.00	\$0.00	
14	FRONT END LOADER (2)	48	HR	\$100.00	\$4,800.00	
29	DOZER	24	HR	\$85.00	\$2,040.00	
	SUB TOTAL					\$33,489.00
	TOTAL					\$124,285.85

SCHEDULE: 1 CREW, 10 DAYS

NOTE: THIS IS A PRELIMINARY COST ESTIMATE.

Work Order # 7
 General Services Contact GN 0708
 Project HU 0801

SOUTH BEACH

SOUTH BEACH

ITEM #	Type of Work	Quantity	Units	Cost per Unit	Line Item Cost	Notes
	MOBILIZATION/DEMOBILIZATION		LS		\$2,100.00	
	MATERIALS					
39	ORTONA SAND ON BERM (FEMA PW Cat B)	608	Tons	\$34.95	\$21,249.60	
	PERSONNEL & EQUIPMENT					
5	SUPERINTENDENT	16	HR	\$87.50	\$1,400.00	
6	FOREMAN	32	HR	\$60.00	\$1,920.00	
7	OPERATOR (4)	128	HR	\$40.00	\$5,120.00	
8	LABORERS (2)	64	HR	\$28.00	\$1,792.00	
19	SAND TRUCK	32	HR	\$80.00	\$2,560.00	
14	FRONT END LOADER (2)	64	HR	\$100.00	\$6,400.00	
29	DOZER	32	HR	\$85.00	\$2,720.00	
	TOTAL				\$45,261.60	

SCHEDULE: 1 CREW, 4 DAYS

NOTE: THIS IS A PRELIMINARY COST ESTIMATE.

Work Order # 7
 General Services Contact GN 0708
 Project HU 0801

SIMONTON BEACH

SIMONTON BEACH

ITEM #	Type of Work	Quantity	Units	Cost per Unit	Line Item Cost	Notes
	MOBILIZATION/DEMOBILIZATION		LS		\$900.00	
	MATERIALS					
39	ORTONA SAND ON BERM (FEMA PW Cat B)	271	Tons	\$34.95	\$9,471.45	
	PERSONNEL & EQUIPMENT					
5	SUPERINTENDENT	12	HR	\$87.50	\$1,050.00	
6	FOREMAN	24	HR	\$60.00	\$1,440.00	
7	OPERATOR (4)	96	HR	\$40.00	\$3,840.00	
8	LABORERS (2)	48	HR	\$28.00	\$1,344.00	
19	SAND TRUCK	0	HR	\$80.00	\$0.00	
14	FRONT END LOADER (2)	48	HR	\$100.00	\$4,800.00	
29	DOZER	0	HR	\$85.00	\$0.00	
	TOTAL				\$22,845.45	

SCHEDULE: 1 CREW, 3 DAYS

NOTE: THIS IS A PRELIMINARY COST ESTIMATE.

Work Order # 7
 General Services Contact GN 0708
 Project HU 0801

DOG BEACH

DOG BEACH

ITEM #	Type of Work	Quantity	Units	Cost per Unit	Line Item Cost	Notes
	MOBILIZATION/DEMOBILIZATION		LS		\$300.00	
	MATERIALS					
39	ORTONA SAND ON BERM (FEMA PW Cat B)	149	Tons	\$34.95	\$5,207.55	
	PERSONNEL & EQUIPMENT					
5	SUPERINTENDENT	8	HR	\$87.50	\$700.00	
6	FOREMAN	16	HR	\$60.00	\$960.00	
7	OPERATOR (4)	64	HR	\$40.00	\$2,560.00	
8	LABORERS (2)	32	HR	\$28.00	\$896.00	
19	SAND TRUCK	0	HR	\$80.00	\$0.00	
14	FRONT END LOADER (2)	32	HR	\$100.00	\$3,200.00	
29	DOZER	0	HR	\$85.00	\$0.00	
	TOTAL				\$13,823.55	

SCHEDULE: 1 CREW, 2 DAYS

NOTE: THIS IS A PRELIMINARY COST ESTIMATE.