

RESOLUTION NO. 10-331

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED AGREEMENT FOR KEY WEST CEMETERY LANDSCAPING SERVICES BETWEEN THE CITY AND MONROE ASSOCIATION FOR RETARDED CITIZENS, INC. ("MARC") IN AN AMOUNT NOT TO EXCEED \$53,366.40 FOR FY 10-11; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Key West City Commission Resolution 07-428 approved an agreement with MARC for landscaping service that included four annual renewals with a CPI adjustment; and

WHEREAS, the parties desire to exercise the renewal for fiscal year 2010-2011;

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

Section 1: That the attached Agreement between the City and MARC is hereby approved for a one year renewal through September 30, 2011.

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 16 day of November, 2010.

Authenticated by the presiding officer and Clerk of the Commission on November 17, 2010.

Filed with the Clerk November 17, 2010.



CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

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

M E M O R A N D U M

TO: Jim Scholl, City Manager
CC: David Fernandez, Assistant City Manager- Operations
Mark Finigan, Assistant City Manager- Administration
FROM: Rod Delostrinos, Community Services Deputy Director
VIA: Greg Veliz, Community Services Director
DATE: October 18, 2010

SUBJECT: Resolution approving the agreement between the City of Key West and the Monroe Association of ReMARCable Citizens, Inc., hereafter described as MARC, for landscaping and maintenance services at the Key West Historic Cemetery for the amount of \$53,366.40 in FY 10-11.

ACTION STATEMENT: This resolution authorizes the purchase of landscaping and maintenance services at the Key West Historic Cemetery from the Monroe Association of ReMARCable Citizens, Inc., in an amount not to exceed \$53,366.40 in FY 10-11.

BACKGROUND:

The City of Key West entered into an agreement with the Monroe Association of ReMARCable Citizens, Inc. on December 05, 2007, Resolution No. 07-428, for landscaping and maintenance services at the Key West Historic Cemetery for the amount of \$48,373, with a waiver of competitive bidding. This four year agreement required an annual renewal approval and the cost adjustment according to the Consumer Price Index figures as provided by the City of Key West Finance Office. This arrangement has been mutually beneficial for the City and MARC. The cemetery requires constant care and the MARC House seeks employment for continual operation.

PURPOSE & JUSTIFICATION:

The lands which comprise the Key West Historic Cemetery and Peary Court Cemetery span over twenty acres. This area requires constant landscaping and maintenance. At present two City Associates are assigned to the Cemetery for interment and disinterment operations with collateral duties to maintain the appearance of the cemeteries. For the past four years, the

Key to the Caribbean – Average yearly temperature 77° F.

MARC crew has been the primary providers for landscaping and cleaning.

OPTIONS:

1. Approve resolution which would renew the current agreement. This option has been the most effective method to provide manpower for the Cemetery. This also provides a means for the City to give back to the community by working with this worthwhile not-for-profit organization. Staff recommends this option.
2. Disapprove resolution and forgo the use of the necessary manpower. This condition would in time degrade the appearance and maintenance of the Historic Cemetery.
3. Disapprove resolution and advertise for competitive bid for similar services. This condition would require training new personnel as to the stringent requirement of cemetery maintenance.

FINANCIAL IMPACT:

The Fiscal Year 10-11 General Fund –City Cemetery approved budget contains an allocation of \$54,413 for this line item (001-1905-34.00); however, the Consumer Price Index (CPI) increased only 2%. The adjusted amount for services is \$53,366.40.

RECOMMENDATION:

Approve the resolution authorizing the purchase of landscaping and maintenance services at the Key West Historic Cemetery from the Monroe Association of ReMARCable Citizens, Inc., in an amount not to exceed \$53,366.40 in FY 10-11.

RESOLUTION NO. 07-428

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED AGREEMENT FOR KEY WEST CEMETERY LANDSCAPING SERVICES BETWEEN THE CITY AND MONROE ASSOCIATION FOR RETARDED CITIZENS, INC. ("MARC"); PROVIDING FOR AN EFFECTIVE DATE

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

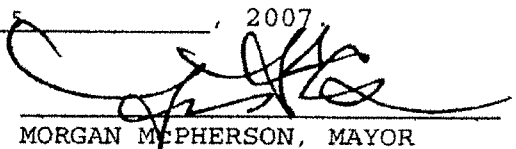
Section 1: That the attached Agreement between the City and MARC is hereby approved. The term shall be for one year in an amount not to exceed \$48,373.00.

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 4th day of December, 2007.

Authenticated by the presiding officer and Clerk of the Commission on December 5, 2007.

Filed with the Clerk December 5, 2007.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

AGREEMENT

This Agreement is between the City of Key West, Florida (hereinafter "CITY") and Monroe Association for Retarded Citizens, Inc., P.O. Box 428, Key West, Florida, 33041 (hereinafter "MARC").

WITNESSETH:

WHEREAS, CITY desires to contract for landscaping and maintenance services at the CITY cemeteries; and

WHEREAS, MARC agrees to provide these services;

NOW, THEREFORE, in mutual consideration of the promises contained herein, CITY and MARC agree as follows:

1. Scope of Work

- A. MARC shall provide a crew of MARC workers with appropriate professional supervision on a 150 hour per week basis to maintain cleanliness of the City Cemeteries and assist the Public Works Division with cemetery landscaping functions and grounds maintenance. MARC shall provide vehicular transportation and all tools, work clothing, training and supervision for the crew.
- B. The MARC crew shall cut grass, clear overgrowth, prune, trim and cut trees and remove all trash and cuttings to the appropriate disposal area.

2. PAYMENT

CITY agrees to pay MARC monthly and CITY agrees to pay monthly \$4,031.08 within forty-five (45) days of invoice.

3. TERM

The term of this Agreement is for one (1) year, commencing Oct. 2007, and ending Sept. 30, 2008. The agreement may be renewed annually for four years and the cost adjusted according to the Consumer Price Index figures as provided by the City Finance Office.

4. INDEMNIFICATION

MARC shall indemnify and hold harmless the CITY, its officers and employees, from liabilities, property damage, losses, personal injuries, and costs, including, but not limited to reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional

wrongful misconduct of MARC, its employees or agents, in the performance of this Agreement.

This indemnification shall survive the expiration or termination of this Agreement. In the event that any action or proceeding is brought against the CITY by reason of such claim or demand, MARC shall, upon written notice from the CITY, resist and defend such action or proceeding by counsel satisfactory to the CITY. MARC shall defend at its own expense to and through appellate, supplemental or bankruptcy proceeding, or to provide for such defense, at the CITY's option, any and all claims of liability and all suits and actions of every name and description covered above which may be brought against the CITY arising out of this agreement. MARC's obligation under this provision shall not be limited in any way to the agreed upon payment as shown in this Agreement, or the limit of our lack of sufficient insurance protection.

In all instances where MARC may be required to indemnify CITY, CITY shall give MARC prompt and timely notification of any claims. CITY shall not enter into any settlement agreement or otherwise terminate this action without the consent of, and at its option, participation by MARC or its legal representative.

5. INSURANCE

MARC agrees to provide at its expense comprehensive liability insurance insuring itself and CITY against all claims of damages or injury to persons or property arising from any reason out its activities related to the agreement, or otherwise arising from its exercise of rights or failure to perform obligations pursuant to this Agreement. The insurance policy shall be written by a solvent insurance company in good standing and fully licensed to do business in Florida, and shall provide a minimum of \$300,000.00 coverage for bodily injury and property damage. The CITY shall be named as an additional insured on the policy. MARC shall provide a copy of the certificate of insurance to the City Clerk within 10 days of execution of this agreement. The insurance amounts herein provided shall not in any way operate to the limit or release MARC from any obligation to indemnify CITY as provided therein.

6. TERMINATION

The parties hereto may terminate this Agreement at any time upon written notice mailed to each other at the addresses provided below. Upon such termination CITY shall not be obligated to make any further payments to MARC, other than money due and payable at the time of termination.

7. ADDRESSES FOR NOTICES

FOR CITY

City Manager
City of Key West
Post Office Box 1409
Key West, Fl., 33041-1409

FOR MARC

Director, MARC
812 Southard St.
Key West, Fl. , 33040

Copy to:
Director of Public Works
Address as above

8. INDEPENDENT CONTRACTOR

MARC clients/workers shall not be deemed to be employees of CITY and shall not accrue any of the rights of CITY's employees under CITY ordinances or personnel policies and procedures.

9. JURISDICTION AND SEVERABILITY

The laws of the State of Florida govern the validity of this to it. The venue for mediation, arbitration or any other legal proceeding shall be in Monroe County, Florida. If any other provisions contained in this Agreement are held for any reason to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision, and this AGREEMENT will be construed as is such invalid, illegal, or unenforceable provision had never been contained within.

10. ENTIRE AGREEMENT

This agreement sets form all the covenants, promises, agreements and understanding between CITY and MARC. No subsequent alteration, amendment, change or addition to this agreement shall be binding upon CITY or MARC unless reduced to writing and duly executed by both parties.

THIS PART INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS

ATTEST

Cheryl Smith

Cheryl Smith, City Clerk

12-7-07

Date

CITY OF KEY WEST

J. K. Scholl

Jim Scholl, City Manager

12-7-07

Date

MONROE ASSOCIATION FOR RETARDED CITIZENS, INC.

Mark C. Lindas

President/Authorized Agent

12/7/07

Date

MARK C. LINDAS

Print Name of President/Authorized Agent

Wendy S. Valdez

Witness

07 December 2007

Date

Table 1. Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, by expenditure category and commodity and service group

(1982-84=100, unless otherwise noted)

Item and group	Relative importance, December 2008	Unadjusted indexes		Unadjusted percent change to Apr. 2009 from—		Seasonally adjusted percent change from—		
		Mar. 2009	Apr. 2009	Apr. 2008	Mar. 2009	Jan. to Feb.	Feb. to Mar.	Mar. to Apr.
Expenditure category								
All items	100.000	212.709	213.240	-0.7	0.2	0.4	-0.1	0.0
All items (1967=100)		637.182	638.771					
Food and beverages	15.757	218.794	218.364	3.3	-2	-1	-1	-2
Food	14.629	218.600	218.162	3.3	-2	-1	-1	-2
Food at home	8.156	217.110	215.783	2.3	-6	-4	-4	-6
Cereals and bakery products	1.150	253.698	252.709	5.3	-4	-2	-2	-7
Meats, poultry, fish, and eggs	1.898	206.348	205.699	2.5	-3	-1	-9	.0
Dairy and related products ¹ .....	.910	199.687	197.124	-5.1	-1.3	-2.4	-2.4	-1.3
Fruits and vegetables	1.194	274.759	274.297	.6	-2	.4	.2	.0
Nonalcoholic beverages and beverage materials .....	.982	165.656	162.889	2.0	-1.7	-4	1.0	-1.0
Other food at home	2.022	192.234	191.352	5.3	-5	-3	.0	-8
Sugar and sweets .....	.300	197.137	197.301	6.7	.1	.0	.2	-5
Fats and oils .....	.241	204.776	200.464	5.2	-2.1	-1.1	.1	-1.4
Other foods	1.481	206.367	205.734	5.0	-3	-2	.0	-8
Other miscellaneous foods ^{1 2} .....	.433	122.402	122.883	3.7	.4	-1.2	-1	.4
Food away from home ¹	6.474	222.216	222.905	4.6	.3	.3	.1	.3
Other food away from home ^{1 2} .....	.314	154.414	155.099	4.3	.4	.9	-2	.4
Alcoholic beverages	1.127	219.999	219.671	2.9	-1	-2	.1	-1
Housing	43.421	217.374	217.126	1.0	-1	0	-1	-1
Shelter	33.200	249.597	249.855	1.6	.1	.0	.0	.2
Rent of primary residence ³	5.957	248.639	248.899	3.1	.1	.1	.2	.2
Lodging away from home ²	2.478	137.715	137.700	-5.9	.0	-1.8	-2.4	.5
Owners' equivalent rent of primary residence ^{3 4}	24.433	256.321	256.622	2.1	.1	.1	.2	.1
Tenants' and household insurance ^{1 2} .....	.333	120.737	120.675	1.9	-1	.2	.0	-1
Fuels and utilities	5.431	210.501	207.175	-2.9	-1.6	-1	-1.4	-1.7
Household energy	4.460	188.736	184.903	-4.7	-2.0	-2	-1.8	-2.2
Fuel oil and other fuels .....	.301	230.837	228.107	-33.5	-1.2	-1.8	-7.7	-2.1
Gas (piped) and electricity ³	4.159	194.752	190.686	-1.9	-2.1	.0	-1.4	-2.2
Water and sewer and trash collection services ² .....	.971	158.052	158.698	6.1	.4	.1	.4	.6
Household furnishings and operations	4.790	129.669	129.654	1.8	.0	.2	.3	.0
Household operations ^{1 2} .....	.781	150.914	150.809	3.4	-1	-2	.5	-1
Apparel	3.691	122.545	123.208	.9	.5	1.3	-2	-2
Men's and boys' apparel .....	.923	117.748	117.195	.5	-5	2.8	-3	-1.7
Women's and girls' apparel	1.541	111.079	111.871	.6	.7	.8	-7	.2
Infants' and toddlers' apparel .....	.183	115.548	117.084	.6	1.3	-1.1	.6	1.3
Footwear .....	.688	126.707	128.057	1.5	1.1	.7	.2	.4
Transportation	15.314	169.647	171.987	-13.4	1.4	1.9	-1.1	-4
Private transportation	14.189	165.023	167.516	-13.9	1.5	2.2	-1.1	-3
New and used motor vehicles ²	6.931	92.109	92.381	-1.7	.3	.5	.0	.4
New vehicles	4.480	134.611	134.863	-2	.2	.8	.6	.4
Used cars and trucks	1.628	121.061	121.213	-11.4	.1	-1.7	-1.7	-1
Motor fuel	3.164	168.404	177.272	-39.8	5.3	7.6	-4.4	-2.6
Gasoline (all types)	2.964	167.826	176.704	-39.5	5.3	8.3	-4.0	-2.8
Motor vehicle parts and equipment ¹ .....	.382	134.484	134.640	6.8	.1	.5	.3	.1
Motor vehicle maintenance and repair ¹	1.188	242.118	242.649	5.3	.2	.3	.2	.2
Public transportation	1.125	230.735	229.827	-5.9	-4	-1.9	-1.0	-8
Medical care	6.390	373.189	374.170	3.0	.3	.3	.2	.4
Medical care commodities	1.625	302.908	303.979	2.4	.4	.6	.2	.3
Medical care services	4.765	394.837	395.753	3.3	.2	.3	.2	.4
Professional services	2.702	317.460	317.661	2.7	.1	.1	.0	.1
Hospital and related services ³	1.545	580.995	564.785	6.5	.7	.8	.6	.9

See footnotes at end of table.

Table 1. Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, by expenditure category and commodity and service group

(1982-84=100, unless otherwise noted)

Item and group	Relative importance, December 2009	Unadjusted indexes		Unadjusted percent change to Apr. 2010 from—		Seasonally adjusted percent change from—		
		Mar. 2010	Apr. 2010	Apr. 2009	Mar. 2010	Jan. to Feb.	Feb. to Mar.	Mar. to Apr.
Expenditure category								
All items	100.000	217.631	218.009	2.2	0.2	0.0	0.1	-0.1
All items (1967=100)	-	651.925	653.059	-	-	-	-	-
Food and beverages	14.795	219.378	219.536	.5	.1	.0	.2	.2
Food	13.738	219.032	219.218	.5	.1	.1	.2	.2
Food at home	7.801	215.623	215.737	.0	.1	.1	.5	.2
Cereals and bakery products	1.108	250.930	250.425	-9	-2	.0	-1	-3
Meats, poultry, fish, and eggs	1.745	202.812	205.178	-3	1.2	.4	.2	1.4
Dairy and related products ¹ .....	.820	198.814	197.308	.1	-8	-1	.0	-8
Fruits and vegetables	1.153	280.431	279.272	1.8	-4	-1	3.4	-2
Nonalcoholic beverages and beverage materials .....	.952	182.666	162.128	-5	-3	-4	.0	.4
Other food at home	2.023	190.991	191.017	-2	.0	.2	-2	.0
Sugar and sweets .....	.295	199.917	200.775	1.8	.4	1.4	-1.1	.1
Fats and oils .....	.232	198.567	197.749	-1.4	-4	-1	-5	.7
Other foods	1.496	204.952	204.947	-4	.0	.0	.0	-2
Other miscellaneous foods ^{1 2} .....	.439	122.318	122.298	-5	.0	-3	.9	.0
Food away from home ¹	5.937	224.991	225.276	1.1	.1	.1	.0	.1
Other food away from home ^{1 2} .....	.326	158.657	158.738	2.3	-1	.7	-1	.1
Alcoholic beverages	1.056	222.521	222.298	1.2	-1	-2	.0	.0
Housing	41.960	216.023	215.798	-8	-1	.0	.0	-1
Shelter	32.289	248.052	248.031	-7	.0	.0	-1	.0
Rent of primary residence ³	5.966	249.089	249.012	.0	.0	.0	.1	.0
Lodging away from home ² .....	.769	133.075	134.331	-2.4	.9	.1	.3	1.4
Owners' equivalent rent of residences ^{3 4}	25.208	256.272	256.170	-2	.0	.0	-1	.0
Owners' equivalent rent of primary residence ^{3 4}	23.593	256.266	256.165	-2	.0	.0	-1	.0
Tenants' and household insurance ^{1 2} .....	.347	124.416	124.879	3.5	.4	.1	.0	.4
Fuels and utilities	5.081	212.295	211.726	2.2	-3	.5	1.1	-2
Household energy	4.028	187.864	187.054	1.2	-4	.4	1.3	-4
Fuel oil and other fuels ¹ .....	.276	276.027	278.080	21.9	.7	-1.3	-5	.7
Gas (piped) and electricity ³	3.752	191.280	190.284	-2	-5	.5	1.4	-5
Water and sewer and trash collection services ²	1.052	168.521	169.116	6.6	.4	.7	.5	.6
Household furnishings and operations	4.590	126.750	125.997	-2.8	-6	-4	-4	-5
Household operations ^{1 2} .....	.781	149.999	150.068	-5	.0	.1	.2	.0
Apparel	3.895	122.073	122.143	-9	.1	-7	-4	-7
Men's and boys' apparel .....	.903	113.104	113.692	-3.0	.5	-5	-7	-6
Women's and girls' apparel	1.580	111.730	110.816	-9	-8	-9	-5	-1.5
Infants' and toddlers' apparel .....	.196	115.920	116.469	-5	.5	-1.1	.4	.2
Footwear .....	.721	128.525	129.432	1.1	.7	-5	-1.0	.0
Transportation	16.685	192.130	193.994	12.8	1.0	-1	-1	-5
Private transportation	15.497	187.796	189.503	13.1	.9	-1	-1	-7
New and used motor vehicles ²	6.386	97.032	96.815	4.8	-2	.4	.2	-2
New vehicles	3.573	138.600	138.174	2.5	-3	.1	.1	.0
Used cars and trucks	2.012	140.797	141.315	16.6	.4	.7	.5	.2
Motor fuel	4.525	237.671	244.801	38.1	3.0	-1.3	-1.1	-2.3
Gasoline (all types)	4.337	237.356	244.347	38.3	2.9	-1.4	-8	-2.4
Motor vehicle parts and equipment ¹ .....	.401	135.523	135.701	.8	.1	.3	-1	.1
Motor vehicle maintenance and repair ¹	1.167	246.624	247.355	1.9	.3	.2	.3	.3
Public transportation	1.187	244.766	249.135	8.4	1.8	-1	.5	1.7
Medical care	6.513	387.142	387.703	3.6	.1	.5	.3	.2
Medical care commodities ¹	1.611	314.023	314.535	3.5	.2	.8	.4	.2
Medical care services	4.902	409.687	410.266	3.7	.1	.4	.3	.3
Professional services	2.796	326.206	327.015	2.9	.2	.2	.0	.2

See footnotes at end of table.