

RESOLUTION NO. 20-103

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING EMERGENCY CHANGE ORDER NUMBER 1 APPROVED BY THE CITY MANAGER ON JUNE 8, 2020 IN THE AMOUNT OF \$124,529.33, AS PROVIDED FOR UNDER SECTION 2-845 AND 2-797(2) OF THE CODE OF ORDINANCES, TO CHARLEY TOPPINO & SONS, INC. FOR ADDITIONAL TASKS RELATED TO THE DUVAL STREET IMPROVEMENTS PROJECT; AUTHORIZING NECESSARY BUDGET ADJUSTMENTS AND TRANSFERS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; 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, in Resolution 20-071 the City Commission ratified an emergency procurement for the Duval Street Improvements, including asphalt mill and pave, pavement marking, failed asphalt base repair and ADA curb ramps and driveways from Wall Street to Truman Avenue; and

WHEREAS, it was determined that additional improvements on Greene Street were necessary and cost-effective to perform in conjunction with the Duval Street project; and

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

WHEREAS, the requested change order represents more than 5% of the total contract value of the project, and Section 2-845 of the Code of Ordinances requires City Commission approval of any change order in excess of five percent of any public service building or capital improvement project; and

WHEREAS, the City Manager acted without delay, using emergency powers authorized under 2-797(2), best interests, and Section 2-845 of the City's Code of Ordinances, to authorize and procure the necessary change order for additional work on Greene Street to ensure public safety and welfare; and

WHEREAS, Section 2-797(2) of the 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 Change Order #1 signed on June 8, 2020 by the City Manager, to add certain Greene Street improvements to the Task Order for Duval Street Improvements, pursuant to section 2-845 and 2-797(2) of the Code of Ordinances, to Charley Toppino & Sons, Inc., in an amount not to exceed \$124,529.33 is hereby approved (total adjusted project cost \$1,048,669.66).

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.

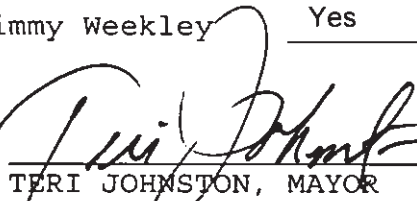
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 16th day of June, 2020.

Authenticated by the Presiding Officer and Clerk of the Commission on 17th day of June, 2020.

Filed with the Clerk on June 17, 2020.

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



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041 (305) 809-3883

MEMORANDUM

**TO:** Gregory W. Veliz, City Manager

**FROM:** Kelly Crowe, P.E., City Engineer

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

**DATE:** June 9, 2020

**RE:** Ratify the approval of Change Order #1 with Charley Toppino and Sons, Inc. for the addition of Greene Street to the Duval Street Improvements.

**ACTION STATEMENT:**

Ratify the City Manager's approval of Change Order #1 in the amount of \$124,529.33 to Charley Toppino and Sons, Inc. for additional work performed in relation to the Duval Street Improvements.

**BACKGROUND:**

Per Resolution 20-071, the City Commission ratified the authority of the City Manager to issue a task order to Charley Toppino and Sons, Inc. (CTS) in the amount of \$924,140.33 to construct the Duval Street Improvements ("project"). The project consisted the construction of Americans with Disabilities Act (ADA) curb ramps and driveways, asphalt mill and pave, pavement marking, and failed asphalt base repair from Wall Street to Truman Avenue.

Due to many of the restrictive quarantine measures in place during the COVID-19 crisis, the number of visitors in Key West was minimal between April and June. The empty streets provided an opportunity to address additional paving and sidewalk repairs. In addition to the approved Duval Street improvements, staff accelerated the design for Greene Street and was able to incorporate those improvements into the overall project.

Change Order #1 consists of the cost of the additional material and labor for the Greene Street portion of the work that was not included in the original task order. The total cost for the additional work is \$124,529.33 bringing the total current cost for the project to \$1,048,669.66.

## **PURPOSE AND JUSTIFICATION:**

The pavement on Greene Street was in poor condition according to the 2019 Pavement Management Plan. Additionally, drainage at the loading zones and isolated sections of sidewalk needed improvement. Performing the improvements in an environment with the reduced volume of vehicles, bicycles and pedestrians in town made for a safer project. With construction crews already mobilized and on site, city staff determined it to be in the best interest of the city to proceed with the additional work.

CTS is 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 is consistent with the Key West Strategic Plan, Infrastructure, Goal #1, *“A transportation system which is aesthetically attractive, functional, efficient, safe and environmentally sensitive”*.

## **FINANCIAL ISSUES**

The additional work will be added to the existing purchase order for the Duval Street Improvements. Funds for project come from account #102-4102-541-6300, Project Number II41022002- Paving.

## **RECOMMENDATION**

Staff recommends ratifying the City Manager’s approval of change order in the amount of \$124,529.33 to Charley Toppino and Sons, Inc. for the addition of Greene Street to the Duval Street Improvements Project.



## THE CITY OF KEY WEST

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

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### EMERGENCY CHANGE ORDER

**To:** Gregory W. Veliz, City Manager

**From:** Kelly Crowe, City Engineer

**Effective Date:** June 8, 2020

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

#### Action Statement

Request that the City Manager approve an emergency change order to provide additional funding in the amount of \$124,529.33 to Charley Toppino and Sons, Inc. for additional work performed in relation to the Duval Street Improvements.

#### Background

Per Resolution 20-071, the City Commission ratified the authority of the City Manager to issue a task order to Charley Toppino and Sons, Inc. (CTS) in the amount of \$924,140.33 to construct the Duval Street Improvements ("project"). The project consisted the construction of Americans with Disabilities Act (ADA) curb ramps and driveways, asphalt mill and pave, pavement marking, and failed asphalt base repair from Wall Street to Truman Avenue.

Due to many of the restrictive quarantine measures in place during the COVID-19 crisis, the number of visitors in Key West was minimal between April and June. The empty streets provided an opportunity to address additional paving and sidewalk repairs. In addition to the approved Duval Street improvements, staff accelerated the design for Greene Street and was able to incorporate those improvements into the overall project.

#### Justification

The pavement on Greene Street was in poor condition according to the 2019 Pavement Management Plan. Additionally, drainage at the loading zones and isolated sections of sidewalk needed improvement. Performing the improvements in an environment with the reduced volume of vehicles, bicycles and pedestrians in town made for a safer project. With construction crews already mobilized and on site, city staff determined it to be in the best interest of the city to proceed with the additional work.

CTS is 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.

**Ordinance: 2-845 (a) Change Orders – In an emergency in a construction contract where life, property or city funds are at risk, the city manager may approve a change order in excess of five cumulative percent of the contract price or \$50,000.00.**

**Recommendation**

Engineering requests that the City Manager approve a change order in the amount of \$124,529.33 to Charley Toppino and Sons, Inc. for the addition of Greene Street to the Duval Street Improvements Project.

  
\_\_\_\_\_  
City Manager Signature

*6-8-20*  
\_\_\_\_\_  
Date





## General Contractor Change Order History

Charley Toppino & Sons

P O Box 787

Key West, FL 33041

Date	Project Name	Purchase Order	Original PO Value	Change Order Type	Amount	Detail
02/01/18	Mill & Pave	P084193	\$650,000.00	Decrease	(49,471.72)	Southard St
02/01/18	Mill & Pave	P084193	\$650,000.00	Decrease	(31,104.00)	Southard St
04/05/18	Mill & Pave	P086573	\$77,883.68	Increase	22,044.50	Ann St
06/07/18	ADA Sidewalks	P086558	\$131,765.21	Increase	45,395.00	Ann St
09/07/18	ADA Sidewalks	P086701	\$79,883.90	Increase	27,702.00	Dey St
09/07/18	Mill & Pave	P086713	\$44,941.26	Increase	4,393.45	Dey St
01/11/19	ADA Sidewalks	P087444	\$390,696.19	Increase	78,211.86	Fleming St
03/05/19	ADA Sidewalks	P087444	\$390,696.19	Increase	81,457.85	Fleming St
01/11/19	Mill & Pave	P087441	\$483,847.30	Increase	4,985.49	Fleming St
01/11/19	Mill & Pave	P087442	\$176,664.89	Increase	13,923.00	8th Street
01/07/19	Mill & Pave	P087443	\$24,706.08	Increase	19,366.00	11th Street
08/06/19	Hatch Replacement	P087938	\$19,945.12	Increase	26,164.00	Pump Station D
11/19/18	WWTP Generator	P08288	\$222,809.12	Increase	108,778.28	Generator Replacement
11/12/19	ADA Sidewalks	P089115	\$122,328.93	Increase	5,000.00	Angela St
10/11/19	Increase of Scope	P089966	\$27,325.66	Increase	50,171.18	Stock Is. Landfill
01/07/20	Performance Bond	P090734	\$1,780,935.00	Increase	9,325.35	Truman Waterfront Phase 1B
01/20/20	Structural Wall	P090734	\$1,780,935.00	Increase	30,375.76	Truman Waterfront Phase 1B
02/28/20	Trench Restoration	P090958	\$1,435,129.25	Increase	43,222.50	Simonton St Improvements
04/14/20	Additional Work	P090472	\$174,787.73	Increase	75,901.35	Atlantic Blvd Path

Total Contractor Purchas Orders	92
Open	15
Closed	77

\*This historical report reflects all change orders originated after October 1, 2016

## CHARLEY TOPPINO & SONS, INC.

CHARLEY TOPPINO & SONS, INC.  
 P.O. BOX 787  
 KEY WEST, FL 33041

Phone: 305 296-5606  
 Fax: 305 296-5189

### Change Order Request

Number: 1

PROJECT: DUVAL ST IMPROVEMENTS

DATE: 6/5/2020

TO: Kelly Crowe  
City of Key West  
Key West, FL

PROJECT #: 2003-1

COST CODE: \_\_\_\_\_

DESCRIPTION OF CHANGE: Additions to multiple Line Items

ITEM	DESCRIPTION	Unit	Unit Price	Quantity	AMOUNT
1	Adjust Meter Box (water + sewer)	EA	\$100.00	23.00	\$2,300.00
2	4" Sidewalk	SY	\$79.00	519.70	\$41,056.30
3	Type "F" Curb	LF	\$40.00	765.00	\$30,600.00
4	Type "D" Curb	LF	\$32.00	140.00	\$4,480.00
5	Concrete Sidewalk (6")	SY	\$83.00	115.90	\$9,619.70
6	Thermo 6" White	LF	\$1.30	475.00	\$617.50
7	Thermo 12" White	LF	\$3.25	268.00	\$871.00
8	Thermo 24" White	LF	\$5.00	48.00	\$240.00
9	Thermo 6" Yellow	LF	\$1.40	255.00	\$357.00
10	Adjust Utility Fixtures	EA	\$200.00	6.00	\$1,200.00
11	Painted Pave Marking 6" White (temporary)	LF	\$2.00	950.00	\$1,900.00
12	Failed Trench Restoration	SY	\$119.00	231.90	\$27,596.10
13	F&I New Sewer Box	EA	\$250.00	8.00	\$2,000.00
14					
15	Bond (1.4%)				\$1,691.73
<b>TOTAL:</b>					<b>\$124,529.33</b>

1. It is understood and agreed that the acceptance for this Change Order by the Subcontractor constitutes an accord and satisfaction with the terms of the Change Order.
2. The amount of the Change Order covers all direct and indirect costs.
3. It is further understood and agreed that all terms and conditions of said Contract, as it may therefore have been modified shall remain the same.
4. Acceptance of the Change Order acknowledges acceptance of all previous Change Order work by the Subcontractor and Contractor as well as any adjustments to the Subcontractor amount and modifications as reflected above.
5. This Change Order includes all items necessary for a complete installation including, but not necessarily limited to labor, supervision, materials, transportation, incidentals, taxes, and any other items necessary for a complete installation.

The Original Contract Sum was.....	\$924,140.33
Net Change by Previously Authorized Requests & Changes.....	\$ -
	\$ 924,140.33
The Contract Sum Prior to This Change Order was.....	
	\$124,529.33
The Contract Sum Will be Increased / Decreased.....	
	\$1,048,669.66
The New Contract Sum Including This Change Order.....	
The Contract Time Will / Will Not be Changed (Days).....	0

**ACCEPTED:**

CHARLEY TOPPINO & SONS, INC.

CITY OF KEY WEST

By: Michael Labrada

By: \_\_\_\_\_

Contract Administrator

\_\_\_\_\_

Printed Name & Title

Printed Name & Title

Date 6/5/2020

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.

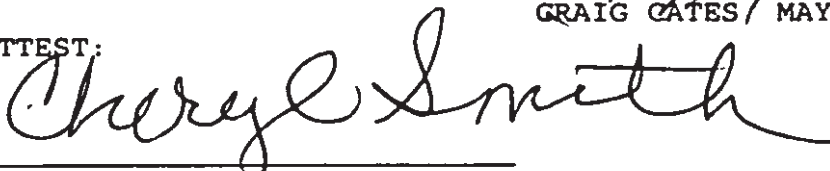
Authenticated by the Presiding Officer and Clerk of the Commission on 5th day of April, 2017.

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