



THE CITY OF KEY WEST

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

EXECUTIVE SUMMARY

Date: February 3, 2017 – Rev. 2/13/2017

To: Jim Scholl, City Manager

From: Jim Bouquet, P.E., Director of Engineering

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

Subject: **Approve use of Unforeseen Conditions Allowance and Contingency Allowance for construction of Phase IA of the Truman Waterfront Park**

ACTION STATEMENT

This Resolution would approve use of \$50,427.78 of the Unforeseen Conditions Allowance and \$93,471.70 of the Contingency Allowance for construction of Phase IA of the Truman Waterfront Park, and authorize the City Manager to execute necessary documents.

BACKGROUND

Resolution No. 15-326 accepted the proposal of Charley Toppino and Sons Inc., (CTS) for construction of the Truman Waterfront Park Phase 1A in the amount of \$17,453,752.67. The project Contract Documents and bid award for Notice to Proceed (NTP) 1 and NTP 2 provide \$629,236.33 for unforeseen conditions encountered during project construction and \$487,161.31 in project contingency funds. Resolution No. 16-220 approved the initial use of these allowances. Subsequent to this resolution, additional unforeseen conditions have been encountered and additional expenditures of contingency funds were required as described below. Referenced Unforeseen Conditions Authorization (UCA), Contingency Use Authorization (CUA) and associated cost proposals from CTS are attached.

Unforeseen Conditions – UCA No. 4:

- Per Field Directive Change (FCD) 020, CTS provided labor, materials and equipment to modify the entry island to better accommodate trolleys and Conch Trains transporting Outer Mole cruise ship passengers in accordance with the attached Figure “Outer Mole Entry Island Modification” dated 12/29/16. Work will be performed on a time and material basis per Toppino Work Directive Change Proposal dated 1/9/2017 R1 for the not-to exceed cost of \$7,265.00.

MEMORANDUM

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

FCD 020 also provides for construction of a temporary Outer Mole entry bypass in accordance with the attached Figure "TWP – Temporary Outer Mole Entry" dated 1/25/17. This bypass is required due to unforeseen delays in land transfer between Florida Department of Environmental Protection (Parks & Recreation) and the Navy for new Outer Mole Entry Control Point (ECP). Work will be performed on a time and material basis for the not-to-exceed cost of \$11,919.50.

- Per FCD 021, CTS will provide labor, materials and equipment to install secondary electrical lines from primary pole drops at three load center locations. This work supports FCD 012 and is offset by significant cost savings (over \$200,000) achieved by running primary power above ground. Not-to-Exceed Allocation for this additional work is \$31,243.28

Total UCA No. 4 Cost: 50,427.78

Contingency - CUA No. 4

- Per FCD 015, CTS will furnish and construct/install Interactive Water Feature Modular Restroom as required by Florida Department of Health in accordance with revised Truman Bathroom Pavilion drawings dated 1/19/2017. Contingency fund use required to cover additional restroom cost exceeding the \$250,000. allocation included in Toppino Base Bid.

Base Cost:	\$335,471.70
Permit Allowance:	\$ 3,000.00
Anchoring System Allowance:	<u>\$ 5,000.00</u>
Construction Total:	\$343,471.70
Minus Restroom Building Allowance:	<u>-\$250,000.00</u>
Contingency Use Cost:	\$ 93,471.70

Net Total CUA No.4 Cost: \$93,471.70

PURPOSE AND JUSTIFICATION

Considering past history and use of the site as a military facility, unforeseen condition encounters were expected and a bid item price to address these situations was included in the contract award to CTS. Addressing conditions identified in UCA No. 4 are required to maintain traffic and facilitate electrical services to the facility. A project contingency was included in the contract award to address in-scope changes to the project. CUA No. 4 provides additional funds for a previously planned restroom facility.

Construction of the Truman Waterfront Park is consistent with the City of Key West's Strategic Goals #3 *Parks and Recreation areas are accessible to all residents and visitors* and Goal #5 *All of the City's Destinations and Resources Are Accessible to Residents and Visitors*.

FINANCIAL ISSUES

Approval of this resolution will reduce available Unforeseen Conditions Allowance to \$368,942.22 and will reduce available contingency funds to \$162,163.63. Additional contingency funds of \$396,786.10 are available within the NTP3 schedule of values.

Use of above ground electrical in lieu of originally specified underground service will save the City approximately \$200,000.

The total contract price and time remain unchanged.

RECOMMENDATION

Staff recommends approving the use of \$50,427.78 of the Unforeseen Conditions Allowance and \$93,471.70 of the Contingency Allowance for construction of Phase IA of the Truman Waterfront Park and authorizing the City Manager to execute necessary documents.