

COUNCIL AGENDA STATEMENT



Meeting Date: December 10, 2024

To: Honorable Mayor & Members of the City Council

From: Dan Saus, Utilities Director

Through: George Garrett, City Manager

Agenda Item: **Resolution 2024-127**, Approving a contract with Charley Toppino & Sons, Inc. for the Sombrero Boulevard Drainage Improvements Project in An Amount Not to Exceed \$4,870,496.00; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

Sombrero Boulevard has had drainage problems for many years. King tides have recently exacerbated this problem. The city wishes to install a stormwater pumping station, injection well, curb and inlet system, and regrading of the area to promote drainage and removal of stormwater from the road and right of way.

The project bids were received and Charley Toppino and Sons, Inc. was the lowest responsive and responsible bidder, therefore, staff recommends approval of the contract for Charley Toppino & Sons, Inc. for the work described in the bid documents in an amount not to exceed \$4,870,496.00. The recommendation of ward letter and bid response form are attached as Exhibit A.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	—	—
2. Other – 2010 Sewer Mandate	—	—
3. Not applicable	—	—

FISCAL NOTE:

The adopted FY25 Stormwater Budget includes appropriations of \$2,830,000 for this project. The City will have to amend two DEP grants to move additional funds from one grant to this project's grant to fund the cost overages.

RECOMMENDATION: Approval of Resolution.

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2024-127**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A CONTRACT WITH CHARLEY TOPPINO & SONS FOR SOMBRERO BOULEVARD DRAINAGE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$4,870,496.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to complete the Sombrero Boulevard Drainage Improvements Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby authorizes the City Manager to enter into an agreement and expend budgeted funds on behalf of the City for the Sombrero Boulevard Drainage Improvements Project with Charley Toppino & Sons, Inc. in an amount not to exceed \$4,870,496.00

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10th DAY OF DECEMBER, 2024.

THE CITY OF MARATHON, FLORIDA

Mayor Lynn Landry

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

Steve Williams, City Attorney

EXHIBIT A



6805 OVERSEAS HIGHWAY | MARATHON | FL 33050
TEL (305) 289-4161 | FAX(305) 289-4162

MEMORANDUM

To: Daniel Saus

From: Stephen J. Suggs, PE

Date: November 27, 2024

Re: COM Sombrero Blvd Drainage Improvements – Recommendation of Award

A formal bid process for the Sombrero Blvd Drainage Improvements Project located in Marathon, FL was conducted, and a pre-bid meeting was held. The City of Marathon received 2 bids. WEC has evaluated the bids received for the City of Marathon's Sombrero Blvd Drainage Improvements Project from all contractors. The bid cost and responsiveness checklist can be seen below:

COM Power Sombrero Blvd Drainage Improvements	Charley Toppino & Sons	Ferreira Construction
Base Bid Amount	\$4,870,496.00	\$9,938,100.00
Responsiveness Checklist		
All required tabbed sections provided?	Y	Y
Bid Transmittal Form Section 0300A: 1. Acknowledgement of addenda (Total of 3) 2. All Pricing 3. Properly Signed and Sealed	1. Y 2. Y 3. Y	1. N 2. Y 3. Y
Contractor's Qualifications Statement, Section 00301 - signed and notarized	Y	Y
Bid Bond, Section 00401, for maximum of 5% of bid amount provided with appropriate surety signatures?	Y	Y
FDOT Form # 375-030-33 Certification of Lobbying Disclosure	Y	Y
Trench Safety Statement Form, Form 0300B, signed and witnessed	Y	Y
Acknowledgment of Conformance with O.S.H.A. Standards, Section 00650 - signed and witnessed	Y	Y
FDOT Form #375-030-32 Certificate of Suspension and Debarment	Y	Y
Evidence of Insurability, provided and properly executed?	Y	Y
Copy of Contractor license(s)/state certification(s)/local registration(s) required to perform the Work	Y	Y
Corporate Resolution evidencing authorization to submit the bid (if applicable)	N/A	N/A
Signed E-Verify System Participation document	Y	Y
Responsibility Checklist		
Did bidder provide documentation of having been performing similar construction services for at least five years?	Y	Y
Did bidder provide a list of key personnel demonstrating adequate qualified personnel to perform the work?	Y	Y

Based on the proposal price and the documents provided, it is recommended that the City of Marathon award the contract for the Sombrero Blvd Drainage Improvements Project to Charley Toppino & Sons with the low bid of **\$4,870,496.00** for the project. Attached to this memorandum is a more detailed breakdown of the proposal.

**SECTION 00300
BID FORM**

BID FROM:

Company: CHARLEY TOPPINO & SONS, INC.

Address: 129 TOPPINO INDUSTRIAL DR, KEY WEST, FL 33040

Phone/ Fax: 305-296-5606

Bidder agrees to furnish all materials, equipment, and labor and to perform all work in accordance with the Contract Documents for construction of: Sombrero Boulevard Drainage Improvements Project in the CITY OF MARATHON, Florida.

To: CITY OF MARATHON
ATTN: CITY CLERK
9805 Overseas Highway
Marathon, Florida 33050

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with CITY in substantially the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents. The bidder also acknowledges that they have examined all bidding documents, the site, and understands that in submitting this bid he waives all rights to plead any misunderstanding regarding the same.
- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. The Bid will remain subject to acceptance for **120** days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of CITY.
- 3.01 In submitting this Bid, Bidder represents, as set forth in the Agreement, that:
- A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of all, which is hereby acknowledged.

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>1</u>	<u>10/28/24</u>
<u>2</u>	<u>11/1/24</u>
<u>3</u>	<u>11/5/24</u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local laws and regulations that may affect cost, progress and performance of the Work.
- D. Bidder has carefully studied all documents as applicable: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site, and (2) reports and drawings of a Hazardous Environmental Condition, if any.
- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.
- F. Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bidding Documents.
- H. Bidder has given CITY'S REPRESENTATIVE written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by the CITY'S REPRESENTATIVE is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

4.01 Bidder further represents that this Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false Bid; Bidder has not solicited or induced any individual or entity to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over CITY.

- 5.01 Bidder's Information:
The BIDDER states that he is an experienced CONTRACTOR and has completed similar projects within the last five years. This information has been provided on Document 00301, Contractor's Qualifications Statement.
- 6.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment in accordance with the Contract Documents on or before the dates or within the number of calendar days indicated in the Contract. If the Bidder does not agree with the construction time allocated in the Agreement, the bidder should not submit a bid.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Contract Documents,.
- 7.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of Bid Bond or Cashiers' Check;
 - B. Contractor's Qualifications Statement containing a tabulation of Subcontractors, Suppliers and other individuals and entities required to be identified in this Bid;
 - C. FDOT form #375-030-33 Certification of Lobbying Disclosure
 - D. Signed Trench Safety Act document
 - E. O.S.H.A. Standards Acknowledgement
 - F. FDOT form #375-030-32 Certificate of Suspension & Debarment
 - G. Copy of the contractor license(s)/state certification(s)/local registration(s) required to perform the Work (if any),
 - H. Evidence of Insurability
 - I. Addenda Acknowledgement
 - J. A Corporate Resolution evidencing authorization to submit the bid (if applicable)
 - K. Signed E-Verify System Participation document
- 8.01 The terms used in this Bid with initial capital letters have the meanings indicated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

Unless otherwise noted, this is a Lump Sum contract. Quantities herein are provided for the use and convenience of the Contractor. Contractor shall verify the quantities and adjust if deemed necessary. All work, labor, and materials needed to complete the work, whether specifically detailed in an item listed below, or incidental to construction, shall be included in the lumps sum cost provided in this bid. There shall be no additional compensation for quantities required to complete the work, unless the scope of work is changed by a Change Order.

BID RESPONSE FORM

Item No.	Bid Item No./Description	Units	Qty	Unit Price	Extended Price
1.00	General				
1.01	Mobilization (Maximum of 5% of Base Bid)	LS	1	\$200,000.00	\$200,000.00
1.02	Bonds & Insurance (Maximum of 2.5% of Base Bid)	LS	1	\$90,000.00	\$90,000.00
1.03	Maintenance of Traffic	LS	1	\$112,000.00	\$112,000.00
1.04	Erosion Control (BMPs)	LS	1	\$30,000.00	\$30,000.00
1.05	General Project Management	MO	12	\$12,500.00	\$150,000.00
1.06	Submittals	LS	1	\$30,000.00	\$30,000.00
1.07	General Conditions (Site Trailer, Misc, Etc.)	MO	12	\$6,000.00	\$72,000.00
2.00	Earthwork				
2.01	Clearing & Grubbing	LS	1	\$62,825.00	\$62,825.00
2.02	Embankment	LF	2760	\$60.00	\$165,600.00
3.00	Drainage Structures				
3.01	Furnish & Install 18" ADS HDPE Storm Pipe	LF	2490	\$280.00	\$697,200.00
3.02	Furnish & Install FDOT Type "C" Catch Basin	EA	13	\$12,600.00	\$163,800.00
3.03	Furnish & Install Nyloplast Weir Structure	EA	1	\$23,200.00	\$23,200.00
3.04	Furnish & Install Control Structure	EA	1	\$17,400.00	\$17,400.00
3.05	Furnish & Install FDOT Type 9 Curb Inlet	EA	11	\$8,100.00	\$89,100.00
3.06	Removal/Rerouting of Existing Utilities	LS	1	\$40,000.00	\$40,000.00
4.00	Pump-Assisted Injection Well				
4.01	Furnish & Install Pump-Assisted Injection Well System	LS	1	\$986,500.00	\$986,500.00
4.02	Furnish & Install Concrete Platform	LS	1	\$115,000.00	\$115,000.00
4.03	Furnish & Install Electrical Service and Equipment	LS	1	\$80,800.00	\$80,800.00
4.04	Furnish & Install Fencing	LS	1	\$46,305.00	\$46,305.00
4.05	Furnish & Install Landscaping	LS	1	\$27,000.00	\$27,000.00
5.00	Roadway, Sidewalks & Curb				
5.01	Removal of Existing Asphalt & Rework Existing Base	LS	1	\$469,629.00	\$469,629.00
5.02	Granular Stabilization - #57 Stone	CY	575	\$135.00	\$77,625.00
5.03	Base Group 6 - Limerock	CY	635	\$170.00	\$107,950.00
5.04	Superpave Asphalt Concrete, Type SP-9.5	SY	9441	\$21.00	\$198,261.00

5.05	Superpave Asphalt Concrete, Type SP-12.5	SY	7751	\$31.00	\$240,281.00
5.06	Concrete Sidewalk (4" Thick, Sta 4+00 to Sombrero Beach Rd)	SY	1540	\$108.00	\$166,320.00
5.07	Concrete Curb & Gutter, Type F	LF	2440	\$44.00	\$107,360.00
5.08	Thermoplastic Striping	LS	1	\$40,000.00	\$40,000.00
5.09	Density Testing	LS	1	\$25,000.00	\$25,000.00
5.10	Record Drawings	LS	1	\$32,500.00	\$32,500.00
	Total Base Bid =				\$4,663,656.00
6.00	Bid Alternate #1				
6.01	Clean Existing 18" Perforated Storm Pipe	LS	1	\$13,500.00	\$13,500.00
6.02	Superpave Asphalt Concrete, Type SP-9.5	SY	1155	\$28.00	\$32,340.00
6.03	Thermoplastic Striping	LS	1	\$17,000.00	\$17,000.00
	Total Bid Alternate #1 =				\$62,840.00
7.00	Bid Alternate #2				
7.01	Furnish & Install Backup Generator	LS	1	\$144,000.00	\$144,000.00
	Total Bid Alternate #2 =				\$144,000.00
	TOTAL LUMP SUM BID (Total of Above Items) =				\$4,870,496.00

TOTAL BID FOUR MILLION EIGHT HUNDRED SEVENTY THOUSAND FOUR HUNDRED NINETY SIX Dollars
(insert price using words)

1. Bidder will complete the work in accordance with the Contract Documents for the Total Base Bid itemized above.

SUBMITTED on 11/25, 2024.

State Contractor License No. CGC 1518488. (If applicable.)

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____ (SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Corporation

Corporation Name: Charley Toppino & Sons, Inc. (SEAL)

State of Incorporation: FL

Type (General Business, Professional, Service, Limited Liability): General Contractor

By: Andrew Toppino
(Signature -- attach evidence of authority to sign)

Name (typed or printed): Andrew Toppino

Title: Vice President

(CORPORATE SEAL)

Attest _____
(Signature of Corporate Secretary)

Business address: 129 Toppino Industrial Drive, Key West, FL 33040

Phone No.: 305-296-5606 FAX No.: _____

Date of Qualification to do business is 9/2/1984.

End of Section