



VILLAGE OF KEY BISCAINE

Office of the Village Manager

Village Council
Robert L. Vernon, *Mayor*
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Michael Davey
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Thomas Thornton
Patricia Weinman

Village Manager
Genaro "Chip" Iglesias

DT: January 8, 2008

TO: Honorable Mayor and Council Members

FR: Genaro "Chip" Iglesias, Village Manager

RE: James A. Cummings Village Hall Project

RECOMMENDATION

It is recommended that the Village Council approve the Resolution authorizing the payment of \$35,000 to James A. Cummings for the repair of the Village Hall Decks.

BACKGROUND

In late 2006 a severe ceiling leak was discovered in the police department locker room. After considerable investigation and attempted remedial repairs it was determined that the deck waterproofing material above the area had failed.

James A. Cummings, the general contractor for the Village Hall project, agreed to replace the waterproofing which required removal and replacement of the marble walking surface above the waterproofing as well.

The warranty period for this installation had long since expired but in a "good will" measure they agreed to share the expense in the replacement of both decks, one above the locker room and the second above the "lock up" cells on the opposite side of the building. Further investigation of the areas revealed that the installation during construction was properly done, the specified material had failed.

The total cost of the repair exceeded \$72,000 JAC agreed to complete the work, on an emergency basis for \$35,000. Funding will come from the interest earnings of the Capital Outlay Fund.

RESOLUTION NO. 2008-

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING POLICE/ ADMINISTRATIVE BUILDING, DECK AND TILE REPAIR WORK (THE “REPAIR PROJECT”); AUTHORIZING THE REPAIR PROJECT WORK; AUTHORIZING PAYMENT OF INVOICE FROM JAMES A. CUMMINGS FOR THE WORK; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 3.07(b) of the Village Charter, the Village Council desires to authorize the expenditure of Village funds in the amount of \$35,000 as full payment for the repair of decks, removal and replacement of tile walkway, and installation of water proofing and related services (the "Repair Project") for the Village Police/Administrative Building; and

WHEREAS, it was necessary to expeditiously proceed with the procurement and completion of the work for the Repair Project (the “Work”) by James A. Cummings (the “Construction Manager”); and

WHEREAS, Construction Manager previously served as construction manager for the Village governmental center project including the Police/Administrative Building; and

WHEREAS, any Village competitive bidding procedures for the Repair Project may be, and are hereby, waived by the Village Council pursuant to Village Code Section 2-85, upon the Council finding, as is hereby found, that it is impractical to apply such competitive bidding procedures in light of the need to expeditiously complete the Work, and of the unique ability of the Construction Manager to bring about the completion of the Work upon terms favorable to the Village; and

WHEREAS, the Village Council finds that it is in the best interest of the Village to proceed as indicated in this Resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Work Authorized, Specification of Funds.

A. That the Repair Project is hereby approved and authorized, subject to the condition that the cost shall be in the total amount of Thirty Five Thousand (\$35,000.00) Dollars.

B. That the fund amount and source for the Repair Project is hereby authorized and approved as described in the Village Manager's memorandum which accompanies this Resolution.

Section 3. Invoice Approved. That the Village Manager is hereby authorized to process the enclosed General Invoice for final payment in full satisfaction of the cost of the Work.

Section 4. Implementation. That the Village Manager is hereby authorized to take any and all action which is necessary to fully implement the purposes of this Resolution and the Repair Project transaction.

Section 5. Effective Date. That this Resolution shall be effective immediately upon adoption hereof.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY