

RESOLUTION NO. 09-159

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF A MATERIALS AND TRAINING FROM K.B. INDUSTRIES, INC. IN AN AMOUNT NOT TO EXCEED \$29,405.91 ON A SOLE SOURCE BASIS PURSUANT TO SECTION 2-797(1) FOR BRAND NAME ITEMS IN ACCORDANCE WITH 2-844 OF THE CODE OF ORDINANCES FOR PAVING AROUND TREE GRATES; PROVIDING FOR AN EFFECTIVE DATE

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

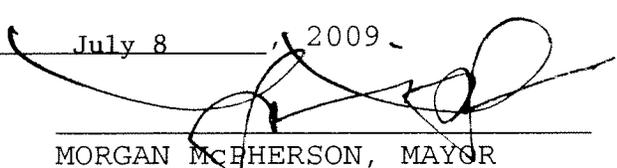
Section 1: That the purchase of the materials and training from K.B. Industries, Inc. in an amount not to exceed \$29,405.91 on a sole source basis pursuant to section 2-797(1) for brand name items in accordance with 2-844 is hereby authorized in accordance with the attached agreement and invoice.

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 7th day of July, 2009.

Authenticated by the presiding officer and Clerk of the Commission on July 8, 2009.

Filed with the Clerk July 8, 2009.

  
MORGAN McPHERSON, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

## EXECUTIVE SUMMARY

Date: June 16, 2009

TO: Jim Scholl

FROM: Janet Muccino

VIA: Gary Bowman

RE: Approve Sole Source Procurement to KB Industries for the purchase of and training for the installation of Flexi-Pave in 165 tree grate areas on Duval St. in the amount of \$29,405.91

### **Action Statement**

Resolution approving the sole source purchase and training to install 4,000 square feet of Flexi-pave around 165 tree grates on Duval st in the amount of \$29,405.91.

### **Strategic Plan Initiative**

A strategic goal is the maintenance of our public infrastructure in a cost effective manner with a key intended outcome of improved safety of our sidewalks and streets. The proposed product was proposed to reduce the slip and trip hazards currently observed on Duval St. thereby reducing the number of lawsuits against the city. Training city personnel and purchasing the product directly from the manufacturer will allow for the completion of the project and make Duval Street safer.

### **Project Issue**

The tree grates on Duval St. are slippery and heaved up in many spots causing slip & fall opportunities. In areas where the existing tree grates do not fit in the space properly the City installs asphalt, sand, rock or a combination of materials. Engineering Services has worked with the recreation, landscaping, public works and the Duval St. Committee to find a pleasant looking but safe & cost effective alternative to the currently used products. Two products, rubber mulch and flexi-pave were considered and samples installed on Duval St over the past year, both products use recycled passenger tires however flexi-pave also uses aggregate. Using a recycled rubber product which is poured in place like concrete allows for safe & cost effective installation that will allow water to enter the tree root system.

Previously the city went out to bid for installing recycled rubber mulch in 165 tree grate areas and both times the bids were found to be non responsive and were rejected by the city commission. After the bids were rejected staff contacted the manufacturer of the rubber mulch, Play Space Services, to ask for a price for in- house training and were told they do not provide training; then staff contacted KBI the manufacturer of flexi-pave and they submitted the enclosed training and product information.

Flexi-Pave is the registered trademark of KBI. KBI is the only entity that can train Flexi-Pave installers and is the only manufacturer of Flexi-Pave; therefore the use of KBI Flexi-Pave meets brand name specifications under Article VII Section 2-844 and sole source procurement requirements in Section 2-797

### **Financial Issues**

The Duval St Tree Grate project PR 0701 is funded from the infrastructure surtax fund 101-7201-772.63. There is a balance of \$118,554.32 remaining for this project. Sole sourcing to KBI will save the city \$88,000.00. KBI

If a Full Unit (4,000 SF) of material is purchased it will be enough material to complete the 165 tree grates specified in the project. The \$5,000.00 cost of training a 2- man crew includes 3 trainers for 5 days (for a full unit) for 8 hours a day and includes all meals, travel, accommodations and all equipment necessary to complete the 165 tree grate project. If a Half Unit (2,000 SF) is purchased then about half the project will be completed and the City will have to invest in equipment to complete the job at a later date. The cost of training remains \$5,000.00 for 3 trainers for 4 days for a half unit.

### **Options**

- 1.) Rebid for the Duval St Tree Grates project .This will be the third time the bids requested and we do not have reason to believe we can find a viable bidder.
- 2.) Purchase conventional metal tree grates.

### **Recommendations**

Staff recommends approving the sole source procurement to KBI Flexi-pave for the purchase and training of city staff for the installation of 4,000 square feet of Flexi-Pave for the 165 tree grates on Duval St. in the amount of \$29,405.91.

# MEMORANDUM

**TO: JIM SCHOLL**

**FR: SUE SNIDER**

A handwritten signature in black ink, appearing to read 'Sue Snider', is positioned to the right of the 'FR:' field.

**DA: June 30, 2009**

**DA: FLEXI-PAVE PROCUREMENT**

**I have reviewed the above captioned package and determined that provisions have been met under Section 2-844 (Brand name specifications) and that this procurement shall be made under the sole source procurement provisions of section 2-797(1)(b). I have conducted a good faith review of available sources, and determined KMI is the only source for Flexi-Pave product and training.**



KBI's

# Green Partnership Program

Congratulations, City of Key West, Florida, on your decision to participate in the Green Partnership Program with K.B. Industries, Inc. Once you have been certified, your trained installers will be provided certificates documenting their unique certification credentials. The following pricing and terms are being offered to the City of Key West, Florida, as part of their participation in the Green Partnership Program with K.B. Industries, Inc.

## Terms and Conditions

- Level I Training and Certification cost is \$5,000 per 2-man crew.
- Initial minimum Flexi®-Pave material purchase for training installation is 2,000 SF (Half Unit). The cost of these materials is in addition to the Training and Certification cost.
- We will provide an expert for any follow-up training or special installation in a consulting capacity at a rate of \$500/day, plus per diem if applicable.
- Pricing is guaranteed for a period of One (1) Year, commencing on the date of the first received purchase order.
- Pricing is as follows:

<u>Full Unit</u>	<u>Half Unit</u>	<u>Quarter Unit</u>
4,000 SF at 2" lift	2,000 SF at 2" lift	1,000 SF at 2" lift
21 Pallets or Skids	11 Pallets or Skids	6 Pallets or Skids
\$21,400 (\$5.35/SF)	\$11,200 (\$5.60/SF)	\$5,950 (\$5.95/SF)

- Freight quotes shall be provided and locked in at the price of the original order for a period of one (1) year.
- Crews may only install KBI Flexi®-Pave as outlined in their Level I certification. Level II installations will require additional Level II certification. KBI reserves the right to terminate this agreement at any time that City of Key West, Florida does not maintain KBI's standards and applications that are set forth in training.
- KBI Flexi®-Pave material can and will only be purchased direct from K.B. Industries, Inc.
- City of Key West, Florida, assumes all warranty and liability claims related to the City of Key West's KBI Flexi®-Pave installations.

***KBI looks forward to a long and continuous Green Partnership with you.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Tel: 877-KBI-FLEX (524-3539) Fax: 727-723-3600

**KB Industries, Inc. 26100 U.S. Hwy. 19 N. • Suite 410 • Clearwater, Florida 33761**

124 DUVAL ST

2

EXAMPLE 2



Installation of weed barrier

1

BEFORE

DURING

AFTER



3





## GENERAL SPECIFICATIONS

**HD 2000** (2" - 50 mm)

**HD1500** (1 1/2" - 37.5 mm)

**HD1000** (1" - 25 mm)

**PRODUCT DESCRIPTION:** A constructional paving material that is dynamic in its physical construction which is mixed directly on the installation site. Available for use after 24 hours which results in a extremely porous, heavy duty, flexible paving system designed for low speed applications with pedestrian and vehicular use.

The constructional paving material is made from Recycled Passenger Tires and Aggregate bound together with K.B. Industries, proprietary binding agent: **XFP75**

### FEATURES:

- Flexible
- Extremely Porous
- Dynamic in physical form
- Diffuses water force
- Impact - Absorbing Surface
- Slip resistant
- Resistant to Freeze / Thaw
- Dissipates Mechanical "Shock"
- Non-Flammable
- Non-Toxic

### BENEFITS:

- Does not crack. Even with root intrusion/preventing trip hazards.
- Storm Water Management (BMP's) - Allowing Groundwater recharge.
- Heavy objects will not make indentations when removed.
- Erosion control uses (i.e. Embankments, Swales, etc.)
- Reduces injuries to joggers and walkers.
- Exceeds ADA requirements / Reduces slip and fall hazards.
- Reduces maintenance costs.
- Resistant to snow plow damage.
- Does not burn without the use of an extreme accelerent.
- Can be installed bodies of open water (i.e. "Wetlands, etc.")

**INSTALLATION:** KBI Flexi™-Pave can be installed from 45°F degree to 95°F degree temperatures.

**Important:** When curing... the temperature should not fall below 35°F.

**QUALIFIED INSTALLATION:** KBI Flexi™-Pave can only be installed by K.B. Industries, Inc., "CERTIFIED INSTALLERS" having the: "KBI CERTIFICATION NUMBER" (This number can be requested at any time from K.B. Industries Inc., for verification.)

**RECOMMENDED SUBSTRATE:** HD2000 is installed over a minimum of 4" (100mm) of compacted crushed concrete or similar aggregate to a density of 95% minimum. The sizing of the stone and base soil will directly represent the desired "Curve Number" (percolation rate) required. HD1500 & HD1000 are designed to be installed over existing engineered pavements (i.e. concrete or asphalt). This process is called an "over-pour" installation. (The porosity rate of HD2000, HD1500 & HD1000 material thickness only is 4000 inches per hour or 100 meters per hour.)

**MATERIAL SAFETY INFORMATION:** MSDS information is available upon request.

KBI Flexi™-Process products are manufactured by KB Industries, Inc. Data is based on facts that we believe to be accurate but all recommendations are made without warranty since conditions of use are beyond KB Industries Inc control. We do not assume any liability except what is expressly noted in warranty certificate if Certified Technicians install the products. We do not assume any liability from injury resulting from use. Liability, if any, is limited to replacement of products.

**USAGE GUIDELINES:** All Flexi-Pave, including HDX and HD products, are designed for vehicular traffic. Any implied warranty is voided by improper use. No Track Vehicles (metal or rubber), Forklifts (warehouse-var Reach), Man Lifts (booms or scissors), and/or dumpsters or roll-off containers





K.B. Industries, Inc.

**KB Industries Inc. Sole Source Justification**

**General Information HD 2000**

**Product Description:** A heavy duty, flexible, porous surfacing designed to be used as paving material in low-speed applications. Made from recycled rubber passenger tires and aggregate. Made from 3/8" recycled rubber granule and 3/8" nominal dry aggregate which is bonded together with a proprietary single component moisture-cured urethane.

<b>Features</b>	<b>Benefits</b>
<i>Porous</i>	<ul style="list-style-type: none"> <li>• Reduces the need for separate retention areas.</li> <li>• Increases usable square footage on your site.</li> <li>• Increases potential building size and parking areas</li> <li>• Reduces puddles in low-lying areas</li> </ul>
<i>Impact-Absorbing Surface</i>	<ul style="list-style-type: none"> <li>• Reduces injuries.</li> </ul>
<i>Slip-Resistant</i>	<ul style="list-style-type: none"> <li>• Reduces slip and fall accidents.</li> </ul>
<i>Resistant to Freeze/Thaw Conditions</i>	<ul style="list-style-type: none"> <li>• Reduces maintenance costs.</li> </ul>
<i>Resistant to separation and cracking</i>	<ul style="list-style-type: none"> <li>• Reduces liability claims caused from "trip &amp; fall" by root intrusion.</li> </ul>
<i>Customized Colors Available</i>	<ul style="list-style-type: none"> <li>• Many design possibilities.</li> </ul>

**Key Reasons for Sole Source**

- Proprietary binding agent(urethane)
  - XFP 75\* is developed and manufactured exclusively for KBI Inc.
- Flexi-Process
  - The Flexi Possess\* is the method in which Flexi-Pave is installed and developed by KBI , Inc. and installed by certified and licensed KBI Inc. crews.

Kevin Bagrall  
Founder, President & CEO

\*Patten and application is currently in process