



To: Glenn Kephart

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "CL", is written over the name "Craig E. Leen" in the "From:" line.

RE: Legal Opinion Regarding Emergency Change Order for Venetian Pool

Date: February 12, 2016

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I have reviewed your memorandum and issue the following ruling and interpretation under section 2-584 of the Procurement Code and section 2-201(e)(1) and (8) of the City Code. This change order qualifies as an emergency procurement under section 2-771 as it serves a public safety purpose and prevents the disruption of government services. This is also a unique situation as Venetian Pool is an historic landmark and the City already has an approved contractor by Historic at the site that is best situated to do the work. I would also note that this category of contract is expressly listed as exempt from the Procurement Code under section 2-678(14). You are legally authorized to proceed with the City Manager's approval.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: Emergency Change Order for Venetian Pool  
**Date:** Friday, February 12, 2016 6:06:12 PM

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Please publish.

Craig E. Leen, City Attorney  
Board Certified by the Florida Bar in  
City, County and Local Government Law  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: cleen@coralgables.com

-----Original Message-----

**From:** Leen, Craig  
**Sent:** Friday, February 12, 2016 6:06 PM  
**To:** Kephart, Glenn  
**Cc:** Pounds, Michael; Duran, Grettel; Couceyro, Fred; Vester, Carolina; Garrido, Lorena; Ingersoll, Kenneth  
**Subject:** RE: Emergency Change Order for Venetian Pool

I have reviewed your memorandum and issue the following ruling and interpretation under section 2-584 of the Procurement Code and section 2-201(e)(1) and (8) of the City Code. This change order qualifies as an emergency procurement under section 2-771 as it serves a public safety purpose and prevents the disruption of government services. This is also a unique situation as Venetian Pool is an historic landmark and the City already has an approved contractor by Historic at the site that is best situated to do the work. I would also note that this category of contract is expressly listed as exempt from the Procurement Code under section 2-678(14). You are legally authorized to proceed with the City Manager's approval.

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-----Original Message-----

From: Kephart, Glenn

Sent: Thursday, February 11, 2016 11:57 AM

To: Leen, Craig

Cc: Pounds, Michael; Duran, Grettel; Couceyro, Fred; Vester, Carolina; Garrido, Lorena; Ingersoll, Kenneth

Subject: Re: Emergency Change Order for Venetian Pool

Craig and Michael, During the current approved project for renovations to the Historic Venetian pool, it was recently discovered that there are significant voids under the existing fountain. This must be addressed expeditiously to preserve the integrity of the fountain and to assure that the facility is safe for public use. Conservation Solutions is the historic restoration contractor that was previously selected for restoration work on this project and is the appropriate contractor, as approved by Historic, to proceed with the fountain repairs. It is necessary to process a change order of 22,190 dollars to their existing contract of 99,700 dollars to complete this work and to avoid a delay in reopening the facility to the public and disruption of City services.

Sent from my iPhone

> On Feb 11, 2016, at 11:44 AM, Leen, Craig <cleen@coralgables.com> wrote:

>

> Glenn, you have advised me that an emergency change order is required for the historic preservation/conservation contract for the Venetian Pool in order to stabilize a fountain, which is a public safety matter, and in order to prevent disruption of City services so that the pool can open on time. I have reviewed the matter, including the exemptions in the City Code, as well as the change order and emergency procurement provisions, and have been informed that this expenditure does not exceed the budget ordinance. I have read the procurement provisions in pari materia, which is required by law, and it is my opinion that you may proceed. I will provide a longer opinion at a later time. Before proceeding, you must provide Michael and me a brief report memorializing the public safety and disruption issues that you have described.

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> This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, and section 2-584(a) of the Procurement Code.

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> Sent from my iPhone