



Pinellas County

Staff Report

File #: 23-0258A, **Version:** 1

Agenda Date: 2/28/2023

Subject:

Arbitration determination in the case of Pepper Contracting Services, Inc. v. Pinellas County; Circuit Civil Case No. 19-004542-CI.

Recommended Action:

Consideration of the arbitration determination in the case of Pepper Contracting Services, Inc. v. Pinellas County.

Strategic Plan:

N/A

Summary:

The above-referenced claim is being brought to the Board of County Commissioners for consideration of the court-ordered non-binding arbitration determination in accordance with the confidential memorandum of February 28, 2023.

Background Information:

This matter was previously brought before the Board on August 20, 2019, under agenda, Legistar item no. 19-1296A and on February 14, 2023, under Legistar item no. 22-1961A.

Fiscal Impact:

Unknown.

Staff Member Responsible:

Jewel White, County Attorney
Christy Donovan Pemberton, Managing Assistant County Attorney
Kelli Hammer Levy, Director, Public Works

Partners:

N/A

Attachments:

N/A



Pinellas County

315 Court Street, 5th Floor
Assembly Room
Clearwater, Florida 33756

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Subject:

Arbitration determination in the case of Pepper Contracting Services, Inc. v. Pinellas County; Circuit Civil Case No. 19-004542-CI.

Recommended Action:

It is recommended that the County Administrator be delegated the authority to accept an arbitration determination or enter into settlement in an amount up to \$250,000.00.

Strategic Plan:

N/A

Summary:

This is a civil action arising out of intersection improvements at Bryan Dairy and Starkey roads. Pepper alleges breach of contract by the County, and the County seeks liquidated damages due to Pepper's failure to complete the project within the contract time.

The Court ordered the case to non-binding arbitration which was conducted on January 23, 2023. An award has not been received. Once an award is received, the parties have 20 days to request a trial de novo. If a trial de novo is requested, the requesting party may be liable for attorney's fees and costs.

It is recommended that the County Administrator be authorized to accept an award up to a total amount to Plaintiff of \$250,000.00, consistent with his delegated authority in Pinellas County Code, 2-62, upon the consent and advice of the County Attorney and Outside Counsel.

Background Information:

This matter was previously brought before the Board on August 20, 2019, under Legistar item no. 19-1296A and on February 14, 2023, under Legistar item no. 22-1961A.

Fiscal Impact:

Unknown.