



# Pinellas County

## Legislation Details (With Text)

**File #:** 24-0012A      **Version:** 1

**Type:** Contract/Agreement      **Status:** Passed

**File created:** 1/4/2024      **In control:** Public Works

**On agenda:** 1/30/2024      **Final action:** 1/30/2024

**Title:** Terminate American Empire Builders, Inc.'s right to proceed with the Westwinds and Crosswinds Bridge Replacements and the Oakwood Bridge Replacement Projects.

**Sponsors:** Merry Celeste

**Indexes:**

**Code sections:**

**Attachments:** 1. FE\_Notice of Termination Letter - Oakwood Bridge Replacement, 2. FE\_Notice of Termination Letter - Westwinds & Crosswinds, 3. Notice of Termination Letter - Oakwood Bridge Replacement, 4. Notice of Termination Letter - Westwinds & Crosswinds, 5. OMB. REVIEW\_24\_0012A\_TerminationofAgreementAmericanEmpireBuilders\_000700A\_000702A\_Westwinds\_Crosswinds\_Bridges 8JAN23, 6. Correspondence Rec'd - (In Support), 7. Correspondence Rec'd - (Undecided), 8. Late Filed - (In Support), 9. 23\_Annetta Speicher\_Document, 10. 23\_Citizen Comment Cards

Date	Ver.	Action By	Action	Result
1/30/2024	1	Board of County Commissioners	approved	Pass

**Subject:**

Terminate American Empire Builders, Inc.'s right to proceed with the Westwinds and Crosswinds Bridge Replacements and the Oakwood Bridge Replacement Projects.

**Recommended Action:**

Approval to terminate American Empire Builders, Inc.'s (AEB) right to proceed with the Westwinds and Crosswinds Bridge Replacements and the Oakwood Bridge Replacement Projects.

- These contracts were for replacing the Crosswinds Drive Bridge over Crosswinds Canal, replacing the Westwinds Drive Bridge over Westwinds Canal, and replacing the Oakwood Drive Bridge over Stephanie's Channel.
- Termination for cause is due to AEB's non-performance and failure to provide and complete work under the contract terms. Numerous attempts have been made to work through the contractor and the surety company to complete the projects, but both have been non-responsive.
- Notice of default was formally sent to AEB in accordance with the contract documents on January 3, 2024. Staff is recommending the Board of County Commissioners (Board) terminate the contractor's right to proceed, in whole or in part, take possession of the work, any materials, tools, equipment, and appliances, take assignments of subcontracts and purchase orders and complete the work.
- The vendor will be suspended in accordance with County Code 2-161(b)(1)(a) for breach of contract upon Board approval of this item. County staff will pursue additional legal remedy

under the law.

- Following Board action to terminate right to proceed under the agreements, County staff will work to complete the Westwinds/Crosswinds Project (that is substantially complete) through a current work order contract. The Oakwood project will need to be rebid following engineering re-assessment as this project is approximately 30% complete.
- Funding for these projects was budgeted in the Capital Improvement Program, under projects Westwinds (000700A) and Crosswinds (000702A) Bridge Replacements and the Oakwood (001035A) Bridge Replacement projects, in Fiscal Year (FY) 2022-FY23, funded by the Penny for Pinellas.

Contract Nos. 190-0109-CP and 21-0708-CP, termination of the right to proceed for cause; Authorize the Chairman to sign the termination letters.

**Strategic Plan:**

Foster Continual Economic Growth and Vitality.

4.4 Invest in infrastructure to meet current and future needs.

Deliver First Class Services to the Public and Our Customers.

5.3 Ensure effective and efficient delivery of county services and support.

**Summary:**

Terminate the right to proceed with American Empire Builders, Inc. for the Westwinds and Crosswinds Bridge Replacements and the Oakwood Bridge Replacement projects.

**Background Information:**

The Board of County Commissioners awarded the Westwinds and Crosswinds Bridge Replacements project on April 21, 2020, in the amount of \$4,435,138.50 for a duration of 780 calendar days, and awarded the Oakwood Bridge Replacement project on December 7, 2021, in the amount of \$3,333,215.61 for a duration of 460 calendar days - both projects were awarded to American Empire Builders, Inc.

**Fiscal Impact:**

Original contract amount-Westwinds/Crosswinds:	\$4,435,138.50
Original contract amount-Oakwood:	\$3,333,215.61

Funding for these projects was budgeted in the Capital Improvement Program, under projects Westwinds (000700A) and Crosswinds (000702A) Bridge Replacements and the Oakwood (001035A) Bridge Replacement projects. Projects were funded by the Penny for Pinellas.

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works

Merry Celeste, Division Director, Purchasing & Risk, Administrative Services

Joe Lauro, Director, Administrative Services

**Partners:**

N/A

**Attachments:**

Termination Letters