



Pinellas County

Staff Report

File #: 23-0067D, Version: 1

Subject:

Settlement Agreement and Mutual Release between Pinellas County, Duke Energy, LLC and American Empire Builders, Inc. for the Crosswinds Drive Bridge replacement project.

Recommended Action:

Approval and execution by the County Administrator of the Settlement Agreement and Mutual Release between Pinellas County, Duke Energy, LLC (Duke), and American Empire Builders, Inc. (Contractor) for the Crosswinds Drive Bridge replacement project.

- County awarded construction Contract 190-0109-CP(PLU) to the Contractor for the Westwinds and Crosswinds Drive Bridges Replacement Project on April 21, 2020.
- Duke agreed through its utility work schedule to relocate some of its facilities and to de-energize some of its equipment to facilitate construction of the project.
- County is a party to this Settlement Agreement. A delay claim was issued to County by Contractor. County passed claim to Duke, who agreed to pay claim to Contractor in the amount of \$54,795.25. There is no cost to the County.
- This action approves settlement and release in exchange for \$54,795.25 from Duke Energy to the Contractor and promotes resolution of the claim.

PID No. 000702A; Settlement Agreement and Mutual Release in the amount of \$54,795.25, due to Contractor from Duke; no cost to the County.

Strategic Plan:

Deliver First Class Services to the Public and Our Customers

5.2 Be responsible stewards of the public's resources

Summary:

This is a Settlement Agreement and Mutual Release between Pinellas County, Duke and the Contractor. The County is a party to this Agreement, as the delay claim was issued to the County by the Contractor. The County passed this claim to Duke, who has agreed to pay the claim to the Contractor in the amount of \$54,795.25 within thirty (30) days of Agreement execution. There is no cost to the County.

Background/Explanation:

The County awarded construction Contract 190-0109-CP(PLU) to the Contractor for the Westwinds and Crosswinds Drive Bridges Replacement Project on April 21, 2020.

Duke agreed through its utility work schedule to relocate some of its facilities and to de-energize some of its equipment to facilitate construction of the project. The County and the Contractor claim that Duke's actions caused the project to be delayed and demanded Duke pay the claim. In response, Duke provided the Settlement Agreement and Mutual Release document to be signed by

all involved Parties.

Fiscal Impact:

N/A

Delegated Authority:

Authority for the County Administrator to sign this Agreement is granted under (Code Section 2-62 (a) (1).

Staff Member Responsible:

Kelli Hammer Levy, Director, Public Works

Partners:

Duke Energy, LLC

American Empire Builders, Inc.

Attachments:

Agreement

Cost Breakdown

Project Location Map

Construction Agreement