



# Pinellas County

## Staff Report

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File #: 20-1111D, Version: 1

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### **Subject:**

Release Agreement with HDR Engineering, Inc. for settlement of claims associated with the replacement of curb, gutter and driveway for Lakeshore Estates Roadway and Drainage Improvement Project Phase I.

### **Recommended Action:**

Approval by the County Administrator of the Release Agreement with HDR Engineering, Inc. (HDR) for settlement of claims associated with the Lakeshore Estates Roadway and Drainage Improvement Project Phase I.

- This action approves a Release Agreement for payment of \$61,661.00 to the County from HDR for curbing replacement due to engineering design errors.
- HDR performed design work under Continuing Engineering Agreement 145-0342-CN, Roadways, Drainage, Structural, Civil and Traffic Engineering Services contract with the County.
- Construction of Lakeshore Estates Phase I was completed on March 23, 2020. Minor additional work will be performed, at the request of three (3) citizens, under a separate contract.

PID No. 001177A; acceptance of \$61,661.00 from HDR as payment for curbing replacement due to engineering design errors.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protection services to ensure a safe and secure community

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air and other natural resources.

Deliver First Class Services to the Public and Our Customers

5.2 Be responsible stewards of the public's resources

### **Summary:**

The purpose of this Release Agreement is to release and forever discharge claims by the County against HDR for engineering design errors and omissions on the Lakeshore Estates Roadway and Drainage Improvement Project Phase I. The settlement of claims is in lieu of litigation, where the County would be considered the plaintiff. This settlement provides for payment of \$61,661.00 for

reconstruction of curbing and associated driveway modifications.

Based on errors in the design plans, curbing was built eight (8) inches too high and caused subsequent flooding. The driveways in question drain from the garage to curb and water would accumulate because the curbing was built too high, per the design plans. Thus, the contractor had to replace previously constructed curb and gutter and associated driveway modifications along Cypress Drive, just west of Freshwater Dr. to the Cypress Dr. cul-de-sac.

HDR was required to provide redesign services related to the curbing errors and associated driveway modification. Per HDR's Professional Services Continuing Services Agreement Section 2 Paragraph 2.3, the consultant is responsible for the accuracy of the work and shall promptly correct its errors and omissions without additional compensation.

**Background/Explanation:**

HDR performed work under Continuing Engineering Agreement 145-0342-CN, Roadways, Drainage, Structural, Civil and Traffic Engineering Services contract with the County. This contract was awarded by the Board on February 9, 2016. The actual construction of Lakeshore Estates Roadway and Drainage improvements included adding a layer of fabric with new base material on top, as well as replacement of the surface asphalt. Improved drainage was also provided within the subdivision. Remaining areas of the subdivision were milled and resurfaced. The improvements intention was to improve the integrity of the roadway.

**Fiscal Impact:**

There is no cost to the County for this Release Agreement. The County will receive a payment of \$61,661.00 from HDR. Design and construction were funded by Capital Improvement Program project 001177A Lakeshore Estates Roadway & Drainage Improvements Phase I.

**Delegated Authority:**

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

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works

**Partners:**

HDR

**Attachments:**

Release Agreement  
Estimate B  
HDR Professional Services Continuing Services Agreement  
Project Location Map