



# Pinellas County

## Legislation Details (With Text)

**File #:** 22-1844A **Version:** 1

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

**File created:** 10/10/2022 **In control:** Airport

**On agenda:** 11/15/2022 **Final action:** 11/15/2022

**Title:** Ratification of the County Administrator's approval of the emergency agreement with Ajax Paving Industries of Florida, LLC, for Runway 18-36 Pavement Maintenance.

**Sponsors:** Merry Celeste

**Indexes:**

**Code sections:**

**Attachments:** 1. Agreement with Ajax - fully executed, 2. construction terms and conditions, 3. plans, 4. project manual, 5. quote from contractor, 6. emergency memo from Airport, 7. safety reports, 8. bonds, 9. Fully executed agreement with KH for liability and payment for design errors, 10. OMB review

| Date       | Ver. | Action By                     | Action   | Result |
|------------|------|-------------------------------|----------|--------|
| 11/15/2022 | 1    | Board of County Commissioners | approved | Pass   |

### **Subject:**

Ratification of the County Administrator's approval of the emergency agreement with Ajax Paving Industries of Florida, LLC, for Runway 18-36 Pavement Maintenance.

### **Recommended Action:**

Ratify, confirm, and enter into the minutes approval by the County Administrator of the emergency agreement with Ajax Paving Industries of Florida, LLC (Ajax) for Runway 18-36 Pavement Maintenance.

- The St. Pete-Clearwater International Airport requested an emergency agreement with Ajax to perform construction to correct a design error effecting the longitudinal profile of Runway 18-36 committed by the engineering firm, Kimley-Horn & Associates, Inc. (Kimley-Horn). The approval of the agreement with Kimley-Horn (Legistar No. 22-1007D) was concurrent with the approval of the agreement with Ajax.
- Kimley-Horn will be responsible for paying all costs associated with the construction and construction phase services of this project by depositing funds into a receivable account created by Clerk Finance in order for the County to make payment to Ajax for completing this work. Ajax is the original contractor who completed the work as required under prior contract no. 189-0334-CP. Kimley-Horn erred in the design process.
- This emergency agreement was requested to expediate this work. Utilizing competition would be detrimental to the timely acquisition of goods and services. Total cost of this agreement is not to exceed \$2,322,396.21 for a duration of 180 days. Allegiant pilots have filed safety reports on this bumpy condition which led to the investigation.
- The County Administrator has delegated authority under Code Section 2-181(b)1 to approve this emergency purchase with receipt and file to the Board of County Commissioners. Staff requested approval under the emergency code due to the serious safety issue and timely acquisition of goods and services.

Contract No. 22-0650-E is for a not to exceed amount of \$2,322,396.21 for a duration of 180 days.

**Strategic Plan:**

Deliver First Class Services to the Public and Our Customers

5.2 Be responsible stewards of the public's resources

5.3 Ensure effective and efficient delivery of county services and support

**Summary:**

This emergency agreement with Ajax is to perform the construction necessary to correct the design error committed by Kimley-Horn. Ajax performed the original project work under contract no. 189-0334-CP for the Runway 18-36 Rehabilitation project which expired February 22, 2022.

Kimley-Horn will be responsible for paying all costs associated with the construction and construction phase services of this project by depositing funds into a "perfect receivable account" created by Clerk's Finance in order for the County to make payment to Ajax for completing this work.

It is necessary to approve the agreement as an emergency to complete the work expeditiously and to allow the same vendor which started the original work to complete the emergency work.

**Background Information:**

St. Pete-Clearwater International Airport (PIE) completed the Runway 18-36 Pavement Rehabilitation project in the Spring of 2021. Although the contractor met all acceptance criteria per the contract documents during construction, it was noticed after the completion of the project that there was a portion of the longitudinal profile of the runway that did not meet the design criteria per the FAA Advisory Circular 150/5300-13B, Airport Design.

Ajax, the original contractor for the Runway 18-36 Rehabilitation project, has provided a cost estimate of \$2,322,396.21 for this work. This includes \$1,823,098.38 for the work related to the Runway 18-36 maintenance, and an additional \$499,297.83 for pavement rehabilitation to Taxiway "G", (parallel taxiway to Runway 4-22), should it be needed due to the impacts of placing air carrier operations on this taxiway after the work related to Runway 18-36 is completed (i.e., If no damage is done to Taxiway "G" during this project, this work will not be needed). All costs for this work will be borne by Kimley-Horn.

**Fiscal Impact:**

The total cost of this Agreement is \$2,322,396.21 (Agreement No. 22-0650-E, pg.1). Per the Agreement between Pinellas County and Kimley-Horn (Granicus Item: 22-1007D, Kimley-Horn Contract, Section 2B), Kimley-Horn hereby agrees that upon request by the County and based on the amount requested by Ajax in their monthly payment Apps/requests, they will send a payment equal to the requested and agreed upon amount into an account provided by the County. The County will use these funds to pay Ajax as a contractor during construction. Payments by Kimley-Horn will be made via wire transfer to the account provided by the County within ten (10) business days of mutual approval of the Contractor's pay request by the County and Kimley-Horn. As a result, no negative budgetary impacts are anticipated.

**Staff Member Responsible:**

Thomas Jewsbury, Director, St. Pete-Clearwater International Airport

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

Joe Lauro, Director, Administrative Services

**Partners:**

N/A

**Attachments:**

Agreement