


COMMISSION AGENDA:

8.20.13 #21

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney 

SUBJECT: Amended Recommendation for Authority for the County Attorney to Initiate a
Lawsuit in the Case of Pinellas County v. Environmental Research & Design, Inc.
and Tampa Contracting Services, Inc.

DATE: August 20, 2013

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO INITIATE A LAWSUIT IN THE ABOVE-STYLED CASE.

DISCUSSION: This is an action arising out of an agreement for consultant services Pinellas County entered into with Environmental Research & Design, Inc. ("ERD") to design Regional Stormwater Treatment Facilities for the Lake Seminole alum injection project, and a second agreement with Tampa Contracting Services, Inc. to construct same.

A dispute has arisen from the unresolved disagreement regarding the adequacy of the design and construction of the aluminum sheet pile retaining walls, which form the sides of the alum treatment trough and in-lake detention Subbasin1, for the Lake Seminole by-pass canal treatment system.

As a result of inadequate design, geotechnical investigations, and/or the means and methods of construction, Pinellas County has incurred damages consisting of, among other items of damage, additional expenses and delays in the construction project.

On July 10, 2012, the Board of County Commissioners authorized the County Attorney's Office to initiate a lawsuit against ERD. Upon further review, it appears that ERD will assert that Tampa Contracting Services, Inc. is the party liable for the damages that Pinellas County contends it has sustained. This amended recommendation seeks the Board's authorization to include Tampa Contracting Services, Inc. as a co-defendant in this litigation.

JLB:JAP

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