

MEETING MINUTES
MID CHARLOTTE STORMWATER UTILITY ADVISORY COMMITTEE
January 6, 2014 – Special Meeting
9:00 p.m. - Public Works Conference Room

Attendees: Michael Brown, George Kearns, Bob Logan, Douglas Tucker, Ben Petrone and Steve Vieira

County: Dawn Harrison and Joanne Vernon

The meeting was called to order at 9:02 P.M. with a roll call of members that established a quorum was present.

This is a special meeting that was called to discuss the Sunshine Lake Project.

Business:

- Sunshine Lake Project – The Committee expressed disappointment that staff from Purchasing and the Attorney's office is not present at this meeting. The Committee was looking for guidance from these departments. Mrs. Vernon stated that Atkins will be performing the lake management plan. Atkins performed the study on the lake. Atkins and Coastal Planning and Engineering (CPE) supplied the original estimation of the quantities of algae that existed in the lake. CPE wrote the specifications for the project. The estimate of algae was 66,000 cubic yards. This type of work has rarely been done before. ProLime stated that there was more algae in the lake than was originally calculated. The County received the estimate over a year ago. The lake has been described as being of the worst quality due to the amount of algae that exists in the lake. ProLime came back with an offer of \$1,125,000 to remove the additional algae that has been discovered. The contract was bid by acres of material to be removed; not cubic yards. The additional funding came from the difference between the original estimate of cubic yards of material to be removed stated in the bid specifications and ProLime's estimation of the job. The costs were calculated on cubic yards of material; not acres. The original bid on the project was \$1,926,749.91. Is there anything in writing concerning ProLime requesting additional funding to complete the project? A request for additional funding was submitted along with a request for an extension of 82 additional days to complete the project. The additional days were requested due to the excessive amount of debris and additional algae that was removed. The County informed the contractor at that point, no additional funding would be granted. The request for additional time came in July; and the request for additional funding came in September. The committee had substantial conversation concerning the additional funding request. A legal opinion from the Attorney's office was received that stated legal fees could be substantial if a law suit was filed. If a suit is filed and the contractor walks away, there could be a delay in the completion of the project. If a new contractor is hired to complete the work, it could cost more than what ProLime is requesting. The Committee reviewed the details of the contract. If there is no way to prove that there is more algae in the lake, the Committee agrees that it would be hard to support the request for additional funding. ProLime stated that they believed there was 99 or 115 cubic yards of material to be removed. There is only 93 cubic yards of water in the lake. ProLime came back and stated that there is 66 cubic yards of material in the lake to be removed. It is almost impossible to determine how much algae is left in the lake; the specifications were written with the understanding that the algae in the lake is an estimate only. Has the information been presented to the County Commissioner's? The Commissioner's will be informed today in person. Mrs. Vernon has meetings set up with each Commissioner to go over the details and convey the thoughts of the Committee members to the Commissioners.

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The Committee's thoughts are that they were not given enough concrete information to make any advisory opinion to the BCC. The contractor's calculations were by cubic yard to be removed and the bid document was intended to be estimated by acre. There was allowance of 25 percent additional acreage mentioned in the bid document to cover an overage. It could be considered cubic yards of material instead of acres in the document. The contractor is now asking for an additional 154 days to complete the project. Would there be any other funding source to payout the additional funding requested other than the Mid Charlotte Stormwater Utilities MSBU. So far the contractor has been paid approximately \$1,200,000 for the contract.

Motion: made by Mr. Kearns to continue the meeting until this Advisory Committee receives in writing a report from an independent consultant; after the report is received the board would reconvene, with meeting invitations being sent to the Purchasing Department, the County Attorney and the contractor; motion was seconded Mr. Logan.

Discussion on the motion - how will the County hire an independent consultant? Mr. Kearns amended the motion to have the specialist calculate the project by acres. Both estimates were calculated by cubic yard. One estimate was done three years ago and one was done a year ago; more algae could have grown in the lake during that time, there is no way of knowing. Vote - two in favor and three opposed.

Motion: made by Mr. Brown to send word to Administration and to the County Commissioner's that the Advisory Committee is not in favor of altering from the specifications that were written in the contract and posted on October 19, 2012, Bid number 2013000070 Sunshine Lake /Sunrise Waterway algae removal; motion was seconded by Mr. Kearns and passed unanimously.

Discussion on the motion - there were contingences written into the contract to protect the County including the 25 percent additional contingences of the growth. The contract was written by acres not by cubic yards of material to be removed from the lake. The statement was made that we have a contract that was written and agreed upon by both parties the contract needs to be honored and enforceable.

According to the contract the County can complete the project and use County staff. At some point the County has to stand firm. The Advisory Committee feels they are not doing their job if they agree to pay additional funding for this project.

- The status of the project: The contractor has completed 9 out of 12.7 acres of the project.

The meeting was adjourned at 10:50 a.m.

Submitted by:

Dawn Harrison
Public Works Department

**CHARLOTTE COUNTY
PUBLIC WORKS DIVISION**

**MID CHARLOTTE COUNTY STORMWATER ADVISORY COMMITTEE
ATTENDANCE ROSTER**

MEETING DATE: Monday January 6, 2014

MEETING TIME: 9:00 A.M. – Public Works Conference Room

**INFORMATION SUPPLIED ON THIS FORM BECOMES
PUBLIC RECORD**

NAME (please print)	Email Address	Telephone Number
Dawn Harrison, MS DR	Dawn.Harrison@charlottefl.com	575-3613
<i>Douglas Tucker</i>	<i>on file</i>	<i>on file</i>
<i>Bob Logan</i>	<i>" "</i>	<i>" "</i>
<i>Joanne Vernon</i>	<i>Joanne.Vernon@charlottefl.com</i>	<i>575-36661</i>
<i>GEORGE KEARNS</i>	<i>TOCO109@EMBARQMAIL.COM</i>	<i>276-4082</i>
<i>MICHAEL BROWN</i>	<i>ON FILE</i>	<i>ON FILE</i>
<i>Steve Vieira</i>	<i>Steve.Vieira@comcast.net</i>	<i>258-2891</i>
<i>Thomas Becker</i>	<i>thomas.becker@charlottefl.com</i>	<i>764-4351</i>

*Mr. Petrone
was there
but he did
not sign in.*