

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Authorize staff to proceed with termination of the Construction Manager's Contract (Contract # 2765) with Wright Construction Company for the Lee/Hendry Landfill Leachate Treatment (UF/RO Facilities) System.

2. WHAT ACTION ACCOMPLISHES: Termination is anticipated on June 8th without completion of cure by Wright Construction Company.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval of the requested motion

4. Departmental Category: ASA		5. Meeting Date: 06-06-2006
6. Agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/> Other
	<input checked="" type="checkbox"/> Other	
8. Request Initiated:		
Commissioner		Public Works
Department		Solid Waste
Division		By: Lindsey J. Sampson

9. Background:

An executed contract was distributed to Wright Construction Company (WCC) on April 30, 2004 with a final completion date of April 9, 2005. The contract calls for the installation of an Ultra Filtration and Reverse Osmosis System for treatment of landfill by-product (leachate). During the current 13 month completion delay, the contractor has failed to provide sufficient labor and materials to complete the project. WCC has persistently failed to maintain the contract schedule and ultimately has failed to achieve final completion. The facility has not been completed nor has it performed as required under the Contract Documents.

The Solid Waste Division estimates that WCC has incurred over \$60,000 in liquidated damages to date.

Attachments: Notice of Termination Letter from Lee County Solid Waste to WCC, dated May 24, 2006.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Smith 5/24/06</i>	<i>[Signature]</i>	<i>N.H.</i>		<i>[Signature] 5/24/06</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature] 5-24-06</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

Rec. by CoAtty
 Date: 5/24/06
 Time: 11:30 AM
 Forwarded To: [Signature]
 Admin: 5/24/06

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

May 24, 2006

Mr. Fred Edman
Wright Construction Corporation
5811 Youngquist Road
Ft. Myers, FL 33912

via Hand Delivery

**Subject: Notice of Termination
Construction Manager Agreement
Construction Management for Lee/Hendry Landfill Leachate
Treatment (UF/RO Facilities) System
Contract No. 2765; RFQ-04-05**

Dear Mr. Edman:

Lee County (County) hereby issues this letter as a Notice of Termination in accordance with Article 12.03(2) (pg 37) of the Construction Manager Agreement between the Board of County Commissioners, Lee County, Florida and Wright Construction (WCC). WCC has persistently failed to maintain the contract schedule and ultimately has failed to achieve final completion prior to April 9, 2005. Since previous notice, WCC has made no significant effort towards achieving project completion prior to the notice date as most items under the previous correspondence, dated April 24, 2006, have yet to be completed.

Article 12.03(2) states that the Contractor, WCC, is allowed a 14 day notice to cure these violations. If the project is not completed prior to June 8th, the contract will be terminated and the County will assume control of the project facility as well as all rights appropriated to the County under the conditions of termination in accordance with Article 12 and the other related provisions of the contract which may include, but is not limited to, the pursuit of damages incurred due to the delay as well as costs required to complete the project.

Sincerely,



Lindsey J. Sampson, P.E.
Director
Solid Waste Division

Mr. Fred Edman
May 24, 2006
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cc: Jim Lavender
Cindy Logan
Scott Covert
Keith Howard
David Laliberte, Hazen and Sawyer
Western Surety Company
File IV B157