

**BOARD OF COUNTY COMMISSIONERS**  
**Public Works Department**  
1801 27th Street, Vero Beach, Florida 32960

Telephone: 772-226-1379



FAX: 772-778-9391

January 12, 2022

Mr. Shane Barry  
Florida Site Contracting  
866 11<sup>th</sup> Ct. SW  
Vero Beach, FL 32962

VIA FED EX

Dear Mr. Barry,

We have reviewed all of the documents which detail the work efforts made by Florida Site Contracting with respect to the construction of Indian River County (IRC) Project # 2022, 4<sup>th</sup> Street Culvert Replacement at 90<sup>th</sup> Avenue.

The Public Works Department has reviewed the project records and found the following:

- At least (43) days of liquidated damages are justifiable under the contract provisions. Per Article 4.03 of the Public Works Agreement, Indian River County will be imposing liquidated damages in the amount of \$1,170.00 per day for a total of \$50,310.00.

Based upon the above noted review of the project records, and contract documents, the IRC Public Works Department has prepared an offer of final payment of \$29,595.50 which includes work completed, final project retainage, and liquidated damages. A total of \$8,190 from the final contract retainage amount (\$14,223.60) will be withheld by the Owner in full and final satisfaction for all liquidated damages claims. The detailed pay item breakdown of this payment can be found in the attached 'Payment Application – Final'.

Please contact me if you wish to meet to discuss how the IRC Public Works Department has arrived at the following close out amount. Please note that Indian River County reserves the right to seek the full amount of liquidated damages allowed by the Contract should Florida Site Contracting choose to reject this offer of settlement.

If you accept this offer, please sign in the location below as acceptance of the offer and the enclosed Payment Application and mail both to my office. The Board of County Commissioners will be the final authority for acceptance of this offer.

Regards,

 11/13/22  
Richard B. Szpyrka, PE  
Public Works Director

 01/17/2022  
Shane Barry, President  
Florida Site Contracting

Attachments:

#1 – Payment Application Final

cc: William K. DeBaal, Deputy County Attorney  
James W. Ennis P.E., Assistant Public Works Director





PROJECT NO. IRC-2022  
4th Street Culvert Replacement at 90th Avenue  
Pay App No. 4

Item No.	Description	UNIT	QTY	SCHEDULED VALUE		PREVIOUS APPLICATION		THIS PERIOD		TOTAL COMPLETED		%	MATERIALS STORED	BALANCE TO FINISH	
				Unit Price	Amount	QUANTITY	Amount	QUANTITY	Amount	QUANTITY	Amount			QUANTITY	Amount
101-1	MOBILIZATION/DEMobilIZATION	LS	1	\$ 24,400.00	24,400.00	1.00	24,400.00		0.00	1.00	24,400.00	100.00%	0.00	0.00	0.00
102-1	MAINTENANCE OF TRAFFIC	LS	1	\$ 4,800.00	4,800.00	1.00	4,800.00		0.00	1.00	4,800.00	100.00%	0.00	0.00	0.00
104-1	PREVENTION, CONTROL AND ABATEMENT OF EROSION AND WATER POLLUTION	LS	1	\$ 4,000.00	4,000.00	1.00	4,000.00		0.00	1.00	4,000.00	100.00%	0.00	0.00	0.00
104-2	DEWATERING	LS	1	\$ 24,000.00	24,000.00	1.00	24,000.00		0.00	1.00	24,000.00	100.00%	0.00	0.00	0.00
108-1	MONITORING EXISTING STRUCTURES - INSPECTION AND SETTLEMENT MONITORING	LS	1	\$ 1,500.00	1,500.00	0.75	1,125.00	0.25	375.00	1.00	1,500.00	100.00%	0.00	0.00	0.00
110-1-1	CLEARING AND GRUBBING	LS	1	\$ 3,000.00	3,000.00	1.00	3,000.00		0.00	1.00	3,000.00	100.00%	0.00	0.00	0.00
120-1	REGULAR EXCAVATION	LS	1	\$ 10,000.00	10,000.00	1.00	10,000.00		0.00	1.00	10,000.00	100.00%	0.00	0.00	0.00
120-6	EMBANKMENT	LS	1	\$ 5,000.00	5,000.00	1.00	5,000.00		0.00	1.00	5,000.00	100.00%	0.00	0.00	0.00
160-4	TYPE B STABILIZATION (12" THICK, LBR 40)	SY	121	\$ 25.00	3,025.00	121.00	3,025.00		0.00	121.00	3,025.00	100.00%	0.00	0.00	0.00
285-706	OPTIONAL BASE, BASE GROUP 11 (12" THICK, LBR 100)	SY	121	\$ 35.00	4,235.00	0.00	0.00	121.00	4,235.00	121.00	4,235.00	100.00%	0.00	0.00	0.00
425-1-521	INLETS, DT BOT, TYPE C, <10'	EA	1	\$ 3,000.00	3,000.00	1.00	3,000.00		0.00	1.00	3,000.00	100.00%	0.00	0.00	0.00
430-174-112	PIPE CULVERT, ROUND, 12" SD (PP) (CLASS II) (STORM)	LF	32	\$ 156.00	4,992.00	32.00	4,992.00		0.00	32.00	4,992.00	100.00%	0.00	0.00	0.00
430-175-196	PIPE CULVERT, ROUND, 96" S/C/D (RCP)	LF	104	\$ 1,480.00	153,920.00	93.60	138,528.00	10.40	15,392.00	104.00	153,920.00	100.00%	0.00	0.00	0.00
530-3-3	RIPRAP, RUBBLE, F&I, BANK AND SLOPE	TN	250	\$ 124.00	31,000.00	250.00	31,000.00		0.00	250.00	31,000.00	100.00%	0.00	0.00	0.00
530-3-4	RIPRAP, RUBBLE, F&I, DITCH LINING	TN	40	\$ 70.00	2,800.00	40.00	2,800.00		0.00	40.00	2,800.00	100.00%	0.00	0.00	0.00
570-1-2	PERFORMANCE TURF, SOD (BAHIA)	SY	250	\$ 4.00	1,000.00	0.00	0.00	250.00	1,000.00	250.00	1,000.00	100.00%	0.00	0.00	0.00
999-1	AS-BUILT DRAWING (BY REGISTERED SURVEYOR)	LS	1	\$ 3,800.00	3,800.00	0.00	0.00	1.00	3,800.00	1.00	3,800.00	100.00%	0.00	0.00	0.00
4th Street Culvert Replacement at 90th Avenue				SUB TOTAL			284,472.00		259,670.00		24,802.00		284,472.00	0.00	0.00
999-25	FORCE ACCOUNT	LS	1	50,000.00	50,000.00		0.00		0.00	0.00	0.00	0.00%	0.00	1.00	50,000.00
				TOTAL	334,472.00	TOTAL	259,670.00	TOTAL	24,802.00	TOTAL	284,472.00	TOTAL	0.00	TOTAL	50,000.00

43 DAYS BEHIND SCHEDULE (SUBSTANTIAL COMPLETION DATE DECEMBER 9, 2021)  
SUBSTANTIAL COMPLETION DEADLINE (OCTOBER 27, 2021)

CALCULATED LIQUIDATED DAMAGES \$50,310.00

*Richard B. Szyrka* 1/13/22

Richard B. Szyrka, P.E.  
Public Works Director

*Shane Barry* 01/17/2022

Shane Barry, President  
Florida Site Contracting

AMOUNT COMPLETED TO DATE  
MATERIALS STORED TO DATE  
SUB-TOTAL MATERIALS STORED AND COMPLETE TO DATE  
RETAINAGE OF WORK COMPLETED AT 5%  
TOTAL COMPLETED AND STORED LESS RETAINAGE  
LESS SETTLED LIQUIDATED DAMAGES  
LESS PREVIOUS PAYMENT  
AMOUNT DUE CONTRACTOR

\$284,472.00  
\$0.00  
\$284,472.00  
\$0.00  
\$284,472.00  
\$ (8,190.00)  
\$246,686.50  
\$29,595.50