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 11th 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, 4th Street Culvert Replacement at 90th 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,

Richard B. Szpyrka, PE Public Works Director Shane Barry, President Florida Site Contracting

Attachments:

#1 - Payment Application Final

cc: William K. DeBraal, Deputy County Attorney

James W. Ennis P.E., Assistant Public Works Director

SECTION 00622 - Contractor's Application for Payment 4TH STREET CULVERT REPLACEMENT AT 90TH AVENUE

Application for Payment No. 4

For Work Accomplished through the period o 12/2/21 through 1/13/2022

To: Indian River County (OWNER)

From: Florida Site Contracting (CONTRACTOR)

Project No.: IRC-2022
Bid No.: 2021045

Attach detailed schedule and copies of all paid invoices.

1.	Original Contract Price:	\$334 <u>,4</u> 72.00
2.	Net change by Change Orders and Written Amendments (+ or -):	\$
3.	Current Contract Price (1 plus 2):	334,472.00
4.	Total completed and stored to date:	284,472.00
5.	Retainage (per Agreement):	
	Less Settled Liquidated Damages	(\$8,190.00)
	% of retainage:	\$
	Total Retainage:	\$
6.	Total completed and stored to date less retainage (4 minus 5):	\$ 276, <u>2</u> 82.00
7.	Less previous Application for Payments:	\$ 246,686.50
8.	DUE THIS APPLICATION (6 MINUS 7):	\$ 29,595.50

CONTRACTOR'S CERTIFICATION:

UNDER PENALTY OF PERJURY, the undersigned CONTRACTOR certifies that (1) the labor and materials listed on this request for payment have been used in the construction of this Work; (2) payment received from the last pay request has been used to make payments to all subcontractors, laborers, materialmen and suppliers except as listed on Attachment A, below; (3) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); (4) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective; and (5) If this Periodic Estimate is for a Final Payment to project or improvement, I further certify that all persons doing work upon or furnishing materials or supplies for this project or improvement under this foregoing contract have been paid in full, and that all taxes imposed by

Chapter 212 Florida Statutes, (Sales and Use Tax Act, as Amended) have been paid and discharged, and that I have no claims against the OWNER.

Attached to or submitted with this form are:

 Signed release of lien forms (partial or final as applicable) from all subcontractors, laborers, materialmen and suppliers except as listed on Attachment A, together with an explanation as to why any release of lien form is not included:

Contractor's

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

Pay App No. 4

Item No.	Ovacription			SCHEDULED VALUE		PREVIOUS APPLICATION		THIS PERIOD		TOTAL COMPLETED		% MATERIALS		BALANCE TO FINISH	
		UNIT	QTY	Unit Price	Amount	QUANTITY	Amount	QUANTITY	Amount	QUANTITY	Amount		STORED	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
30 -174 -112	PIPE CULVERT, ROUND, 12" SD (PP) (CLASS II) (STORM)	ĹF	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/CD (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	ΊΝ	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		9.00		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	334,472.0	0 TOTAL	259,670.0	TOTAL	24,802.00	TOTAL	284,472.00	TOTAL	0.00	TOTAL	\$0,00

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

CALCULATED LIQUIDATED DAMAGES \$50,310.00

Richard B. Szpyrka, P.E. Public Works Director Shane Barry, President Florida Site Contracting AMOUNT COMPLETED TO DATE

MATERIALS STORED TO DATE
STORED AND COMPLETE 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

ETTLED 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

THE RESERVE THE PARTY NAMED IN

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