



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

---

Dylan Reingold, County Attorney  
William K. DeBral, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney  
**DATE:** August 10, 2021  
**SUBJECT:** Ahtna Marine Bid Bond Settlement

---

**BACKGROUND.**

On July 26, 2020, Indian River County advertised both the Sector 3 and Sector 7 Beach and Dune Restoration Projects, soliciting bids to restore the dunes and beaches. Four responsive bids were received for Sector 3 project. County staff, with support from the County's engineering consultant, reviewed the bids. Ahtna Marine & Construction Company, LLC ("Ahtna Marine") was considered to be the lowest, responsive, responsible bidder for the project with a bid totaling \$17,138,681.81. On September 14, 2020, Ahtna Marine requested that their bid be withdrawn due to errors made during the preparation of the bid. The second lowest, responsive, responsible bidder was Great Lakes Dredge & Dock Company, LLC with a bid totaling \$29,000,250.00. On September 22, 2020, the Indian River County Board of County Commissioners ("Board") voted to award the contract for Sector 3 to Ahtna Marine and if Ahtna Marine refused to honor the bid, County staff was authorized to pull the bid bond and proceed with re-bidding a smaller portion of Sector 3 for completion in 2020/2021.

Indian River County filed a claim with the bonding company, Great American Insurance Group, denied the claim. See attached letter, dated April 29, 2021. Since then the County Attorney's Office, with input from the Public Works Director, negotiated a settlement with Ahtna Marine in which Ahtna Marine has agreed to pay Indian River County \$100,000 in exchange for a release of any claims against Ahtna Marine and Great American Insurance Group. The County Attorney's Office recommends that the Board approve the settlement. There are risks in moving forward with litigation and by having Ahtna Marine make a sizable payment, it not only helps offset costs expended by the County, but also lets prospective bidders on any projects know there can be financial ramifications if they attempt to not honor their bids.

**FUNDING.**

Proceeds received from the settlement will be allocated to the Beach Restoration Fund.

**RECOMMENDATION.**

The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the settlement and authorize the chair any documents necessary to effectuate the settlement, after review and approval by the County Attorney.

**ATTACHMENT.**

Letter from Holden Moore to Dylan Reingold, dated April 29, 2021