



# Broward County

## Legislation Details (With Text)

**File #:** 20-1425      **Version:** 1

**Status:** Agenda Ready

**In control:** Public Works and Environmental Services - Construction Management Division

**On agenda:** 9/10/2020      **Final action:** 9/10/2020

**Title:** A. MOTION TO AUTHORIZE Office of the County Attorney to commence litigation and/or take all related necessary and appropriate actions against Catalfumo Construction, LLC d/b/a Seawood Builders and any other parties deemed appropriate by the County Attorney to recover damages resulting from deficient, defective and/or nonconforming design and construction (design-build) services provided for the parking garage at the Edgar P. Mills Multi-Purpose Center located at 900 NW 31st Avenue, Fort Lauderdale, Florida 33311. (Commission District 9)

ACTION: (T-10:57 AM) Approved.

VOTE: 9-0. Commissioner Rich and Vice-Mayor Geller voted in the affirmative telephonically.

B. MOTION TO ADOPT budget Resolution No. 2020-404 within the General Capital Outlay Fund transferring \$500,000 from the contingency reserve to partially fund emergency structural repairs at the parking garage of the Edgar P. Mills Multi-Purpose Center.

ACTION: (T-10:57 AM) Approved.

VOTE: 9-0. Commissioner Rich and Vice-Mayor Geller voted in the affirmative telephonically.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Budget Resolution, 2. Exhibit 2 - Notice of Claim to Daniel S. Catalfumo, Catalfumo Construction, LLC, 3. Exhibit 3 - Notice of Claim to Betty Masi, Catalfumo Construction, LLC

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Steve Hammond (Acting Director)

**Department:** Public Works      **Division:** Construction Management

### Information

#### Requested Action

A. MOTION TO AUTHORIZE Office of the County Attorney to commence litigation and/or take all related necessary and appropriate actions against Catalfumo Construction, LLC d/b/a Seawood Builders and any other parties deemed appropriate by the County Attorney to recover damages resulting from deficient, defective and/or nonconforming design and construction (design-build) services provided for the parking garage at the Edgar P. Mills Multi-Purpose Center located at 900 NW 31st Avenue, Fort Lauderdale, Florida 33311. **(Commission District 9)**

**ACTION: (T-10:57 AM) Approved.**

**VOTE: 9-0. Commissioner Rich and Vice-Mayor Geller voted in the affirmative telephonically.**

B. MOTION TO ADOPT budget Resolution No. 2020-404 within the General Capital Outlay Fund transferring \$500,000 from the contingency reserve to partially fund emergency structural repairs at the parking garage of the Edgar P. Mills Multi-Purpose Center.

**ACTION: (T-10:57 AM) Approved.**

**VOTE: 9-0. Commissioner Rich and Vice-Mayor Geller voted in the affirmative telephonically.**

**Why Action is Necessary**

A. Board of County Commissioner's approval is required for the Office of the County Attorney to file a lawsuit.

B. Board of County Commissioner's approval is required for transfers from reserves.

**What Action Accomplishes**

A. Authorizes commencement of litigation and related actions against Catalfumo Construction, LLC d/b/a Seawood Builders and any other party deemed appropriate by the Office of County Attorney.

B. Authorizes a budget transfer from the General Capital Outlay contingency reserve to partially fund emergency structural repairs to the parking garage at the Edgar P. Mills Multi-Purpose Center.

**Is this Action Goal Related**

No

**Previous Action Taken**

None

**Summary Explanation/Background**

THE OFFICE OF THE COUNTY ATTORNEY, PUBLIC WORKS DEPARTMENT/ CONSTRUCTION MANAGEMENT DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

On or about March 25, 2008, Broward County entered into a Design-Build Agreement with Catalfumo Construction, LLC d/b/a Seawood Builders to complete a Design-Build project for the Edgar P. Mills Multi-Purpose Center and Parking Garage. Substantial completion was achieved on October 14, 2010.

Sometime in July 2020, concrete debris was found that had spalled off a concrete ledger beam supporting one of the concrete joists. After close inspection, it was decided to evacuate and close the garage. Structural shoring was installed immediately thereafter.

Further investigation by a structural engineer unveiled that additional structural damage was present in other areas of the garage necessitating additional shoring be installed to prevent further damage. The garage has reopened allowing for parking on the ground floor only.

Further evaluation and remediation of the garage structure is on-going with a specialized parking garage engineering company; the full remediation and cost of the work are yet to be determined.

A Notice of Claim, dated August 13, 2020, was issued to Catalfumo Construction, LLC d/b/a Seawood Builders.

**Source of Additional Information**

Michael J. Kerr, Deputy County Attorney, (954) 357-7600

Steve Hammond, AIA, Acting Director, Public Works Department, (954) 357-6410

Ariadna Musarra, Director/County Architect, Construction Management Division, (954) 357- 6419

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Funds for the contingency reserve are budgeted in the General Capital Outlay fund. This action reduces that reserve by \$500,000 from \$2,000,000 to \$1,500,000.