



Broward County

Legislation Details (With Text)

File #: 23-1033 **Version:** 1

Status: Agenda Ready

In control: County Attorney

On agenda: 6/13/2023 **Final action:** 6/13/2023

Title: MOTION TO AUTHORIZE Office of the County Attorney to commence litigation and/or take all related necessary and appropriate actions against James A. Cumming, Inc., Tutor Perini Building Corp., AECOM Services, Inc., Heery International, Inc. n/k/a CBRE Heery, Inc., and Cartaya and Associates Architects, P.A., and any other parties as determined by the County Attorney, to recover damages resulting from deficient, defective, and/or nonconforming construction and professional services provided in connection with certain cantilever beams at the West Tower of the Broward County Courthouse Complex.

Sponsors:

Indexes:

Code sections:

Attachments:

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

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO AUTHORIZE Office of the County Attorney to commence litigation and/or take all related necessary and appropriate actions against James A. Cumming, Inc., Tutor Perini Building Corp., AECOM Services, Inc., Heery International, Inc. n/k/a CBRE Heery, Inc., and Cartaya and Associates Architects, P.A., and any other parties as determined by the County Attorney, to recover damages resulting from deficient, defective, and/or nonconforming construction and professional services provided in connection with certain cantilever beams at the West Tower of the Broward County Courthouse Complex.

Why Action is Necessary

Board approval is required for the Office of the County Attorney to file a lawsuit.

What Action Accomplishes

Authorizes the commencement of litigation, and the taking of related actions, against potentially liable parties.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

In early 2023, Broward County became aware of cracking and defects associated with certain cantilever beams constructed at the Broward County Courthouse Tower, located at 201 S.E. 6th Street, Fort Lauderdale, Florida 33301. The listed entities were involved with the construction and design of the West Tower of the Broward County Courthouse Complex.

As a result of action taken during the 2023 Legislative session, an argument could be made that County claims in connection with this issue would be barred if not filed by June 30, 2023 (rather than in 2026 or later based on the state of the law prior to the recent change). If the County cannot obtain a tolling agreement from the referenced entities, this Office recommends filing suit at this time to avoid the argument that the County's claims are time barred.

Approval of this item would allow Broward County to seek recovery of the costs associated with repairing the subject beams, including design costs, construction costs, and all other damages related to the beams, whether known or unknown at this time.

Source of Additional Information

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

Fiscal Impact

Fiscal Impact/Cost Summary

All legal work will be performed by the Office of the County Attorney within existing resources. Litigation costs (filing fees, deposition costs, expert fees, etc.) are currently estimated at \$100,000.