



Broward County

Legislation Details (With Text)

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Status: Agenda Ready

In control: Public Works - Facilities Management Division

On agenda: 3/31/2020 **Final action:** 3/31/2020

Title: MOTION TO TERMINATE FOR CAUSE Open-end contract between Broward County and Pioneer Construction Management Services, Inc. for Job Order Contract, Bid No. T1144108B1, approved by the Board of County Commissioners on May 13, 2014 (Item No. 30); and authorize the Contract Administrator and the Office of the County Attorney to take all necessary administrative legal action, including but not limited to pursuing the Performance and Payment Bond.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Ltr. to Pioneer Notice To Cure_040919, 2. Exhibit 2 - Memo to PD Pioneer Termination Ltr. jdc

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:** Facilities Management

Information

Requested Action

MOTION TO TERMINATE FOR CAUSE Open-end contract between Broward County and Pioneer Construction Management Services, Inc. for Job Order Contract, Bid No. T1144108B1, approved by the Board of County Commissioners on May 13, 2014 (Item No. 30); and authorize the Contract Administrator and the Office of the County Attorney to take all necessary administrative legal action, including but not limited to pursuing the Performance and Payment Bond.

Why Action is Necessary

Board of County Commissioners' approval is required in accordance with Broward County Procurement Code, Section 21.122, to terminate a contract or rescind an award made by the awarding authority.

What Action Accomplishes

Provides for the surety company to complete the remaining items for the Port Everglades Administration Building Interior Office Modifications Project.

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE PUBLIC WORKS DEPARTMENT/FACILITIES MANAGEMENT DIVISION RECOMMENDS APPROVAL OF THE ABOVE MOTION.

On May 13, 2014 (Item No. 30), the Board of County Commissioners approved the open-end contract between Broward County and Pioneer Construction Management Services, Inc. (Pioneer), for Job Order Contract, Bid No. T1144108B1. Under the agreement, Purchase Order SEA0000088 was issued for the Port Everglades Administration Building Interior Office Modifications Project on May 15, 2017 for the total amount of \$260,544. On June 8, 2017, a work schedule was agreed upon for a total time of performance of 93 calendar days to complete the project by October 9, 2017. On August 4, 2017, Pioneer started construction on the project. Since this start date, Pioneer submitted six revised schedules requesting more time, each of which the County, in good faith, approved in order to assist Pioneer in completing the project. None of the revised schedules were met by Pioneer, even after several concessions to speed up the project were provided to Pioneer by the County, such as allowing Pioneer to work during “normal working hours” and accepting carpet, tile and ceiling light fixtures that were not part of the original design. These concessions were agreed to by the County to make up for missed deadlines and to speed up the completion of the project.

From February 13, 2018 to October 3, 2018, the Seaport Engineering and Facilities Maintenance Division was contacted by three of Pioneer’s subcontractors, LMC Construction, Inc., Lotspeich Company, and Wind Chill, LLC for nonpayment.

On July 24, 2018, the City of Hollywood Fire Rescue and Beach Safety Department conducted a routine inspection of the project and found several fire prevention and life safety violations caused by the work performed by Pioneer.

On October 2, 2018, email correspondence and telephone conversations took place with the surety company for the project, Crum & Foster. The surety company was sent via email background information on the issues leading up to the Notice to Cure Letter to Pioneer.

On March 8, 2019 and March 12, 2019, meetings were held with Pioneer to discuss remaining work to be done and to request a work schedule for completion of work discussed. Since March 12, 2019, Pioneer had not adhered to the scheduled completion of work. Additionally, Pioneer did not construct the project in accordance with the design team’s “permit drawings”.

Due to non-completion and unsatisfactory work completed, the Facilities Management Division sent a certified Notice to Cure letter to Pioneer, dated April 9, 2019, giving Pioneer ten business days to complete a list of items for the project. Additionally, this letter required a meeting between Pioneer and the Contract Administrator to be held within three business days to discuss Pioneer’s progress and plans to complete remaining items related to the project.

On April 12, 2019, Port Everglades staff responded to an email from Pioneer dated April 11, 2019 to confirm dates and time to complete remaining work on the project. As of May 1, 2019, Pioneer had not completed the work.

On May 20, 2019, the Facilities Management Division sent a memorandum to the Purchasing Division with a recommendation to terminate the agreement with Pioneer for the Port Everglades Administration Building Interior Office Modifications project and to pursue Pioneer's performance bond.

On November 18, 2019, the Purchasing Director approved the termination of Contract No. T1144108B1 which will require the surety company to complete the remaining items for the Port Everglades Administration Building Interior Office Modifications Project

Source of Additional Information

Scott Campbell, Director, Facilities Management Division, (954) 357-5590

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

Fiscal Impact

Fiscal Impact/Cost Summary

There is no fiscal impact to Broward County.

Attachments

Exhibit 1 - Facilities Management Division Letter to Pioneer - Notice to Cure Breaches of Contract - Dated April 9, 2019

Exhibit 2 - Facilities Management Division Memo to Purchasing Division - Recommendation to Terminate - Dated May 20, 2019