

AGENDA REQUEST FORM
The School Board of Broward County, Florida

Deferred from 8/7/01
 Deferred from 7/17/01

Meeting Date			Agenda Item Number
08/14/01	Open Agenda ___Yes <u>X</u> No	Time Certain Request ___Yes <u>X</u> No	J-8

TITLE:
 Termination of Construction Contract and Authorization to Bid
 Exterior Remediation
 Cresthaven and Virginia Shuman Young Elementary Schools
 Project Nos. 0901-99-05 and 3321-98-05

REQUESTED ACTION:
 It is requested that The School Board of Broward County, Florida, terminate its contract with Trintec Construction, Inc., for the project titled Exterior Remediations at Cresthaven and Virginia Shuman Young Elementary Schools, Project Nos. 0901-99-05 and 3321-98-05 and Authorize the Facilities and Construction Management Department to Re-Bid, if necessary.

SUMMARY EXPLANATION AND BACKGROUND:
 Trintec Construction, Inc., is in default of its contract due to non-performance of various contract provisions including the General Conditions and Agreement Articles as follows:
General Conditions
 Article 7 - Progress
 Article 15 - Duties, Obligations and Responsibilities of the Contractor
Agreement
 Article 4 - Time for Contractor's Performance
 Article 6 - Time and Delays
 District Maintenance will respond immediately as necessary by assisting with correction of any and all safety and security problems at the school locations related to this project.
 The project Surety has been notified of the contractor's non-performance. Upon termination by the Board, Facilities and Construction Management and legal staff will demand completion of the project by the surety and work with the surety during their investigation of the contractor's performance to expedite the process. In the event that negotiations with the surety are unsuccessful, and to expedite completion of the project in that case, Facilities and Construction Management also requests authority to re-bid the project.

MAJOR SYSTEM GOALS:
 ___ •Goal One: All students will achieve at their highest potential.
 ___ •Goal Two: All schools will have equitable resources.
X •Goal Three: All operations of the school system will support and align with student achievement and needs.
 ___ •Goal Four: All stakeholders work together to build a better school system.

FINANCIAL IMPACT:
 The financial impact, if any, cannot be determined at this time.

EXHIBITS: (List)
 1. Notice of Non Performance and Termination of Contract dated June 28, 2001.
 2. Letter dated May 21, 2000 regarding non performance and termination of contract
 3. Construction Documents are on file in the Facilities and Construction Management Department

BOARD ACTION APPROVED	SOURCE OF ADDITIONAL INFORMATION Dave A. Archer, Project Manager 765-7055 Charles Ricks, Project Manager 765-6408 Name Phone
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(For Official School Board Records' Office Only)
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
 FACILITIES AND CONSTRUCTION MANAGEMENT
 THOMAS J. CALHOUN, DEPUTY SUPERINTENDENT 

Approved in Open Board Meeting on: AUG 14 2001
 BY: Paul Bilal , School Board Chairperson


THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

 1700 Southwest 14th Court • FORT LAUDERDALE, FLORIDA 33312 • TEL 954-768-8643 • FAX 954-765-6079

THOMAS J. CALHOUN
Deputy Superintendent
Facilities & Construction Management
SCHOOL BOARD

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<i>Vice Chairperson</i>	DR. ROBERT D. PARKS
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	STEPHANIE ARMA KRAFT, ESQ.
	LOIS WEXLER
	BENJAMIN J. WILLIAMS

June 28, 2001

ADVANCE COPY VIA FAX
 DR. FRANK TILL
Superintendent of Schools
Certified Mail RRR # Z 415 931 797
 Petulia N. Schvartz, President
 Trintec Construction, Inc.
 7865 N.W. 66th Street, Suite 102
 Miami, Florida 33166

Subject:	Exterior Remediation Renovations	
	Cresthaven Elementary School	Project Number 0901-99-05
	Virginia Shuman Young Elementary	Project Number 3321-99-05
	Notice of Intention to Terminate Contract	

Ms. Schvartz:

Pursuant to the terms of your contract including, but not limited to, Document 00520 Agreement Form and Document 00700 General Conditions, this shall serve as Notice of Termination of your contract for cause as stipulated under your contract.

We have determined that Trintec Construction, Inc. is in breach of numerous provisions of its contract, including but not limited to, Document 00520 Agreement Form Articles 4, 6, and Document 00700 General Conditions Articles 7, 14, 15, 17, 18, 26, 33, and 35.

Trintec Construction, Inc. has repeatedly failed to respond to correct the foregoing non-conforming contract requirements since receipt of the notice, dated May 21, 2001, via registered U.S. Mail, and facsimile. We will recommend that The School Board of Broward County, Florida terminate its contract with Trintec Construction, Inc. during its meeting on July 17, 2001.

The following items have continued to remain in non-conformance with your contract and form the basis for your breach of your contract.

vsy Notice of Intention to Terminate Contract 6/28/01g

Cresthaven Elementary School:

1. As of this date, the contractor has failed to complete work on this project. This project is currently 145 days past the required Substantial Completion date of January 19, 2001.
2. The contractor has failed to provide a Field Office on this project site.
3. The contractor has failed to provide submittals for the replacement door hardware adjacent to the Art Patio.
4. The contractor continually fails to provide a superintendent during the time work is being performed on this project site.

Virginia Shuman Young Elementary School:

1. As of this date, the contractor has failed to complete work on this project. This project is currently 145 days past the required Substantial Completion date of January 19, 2001.
2. The contractor has failed to correct metal coping flashing installations on this project site.
3. The contractor has failed to provide submittals for hardware of the replacement door adjacent to the Art Patio.
4. The contractor continually fails to provide a superintendent during the time work is being performed on this project site.
5. Refusal to accept direction from owner and project consultant regarding contract requirements.

The foregoing list does not represent the entirety of your contractual obligations and shall not alter the requirements under your contract in any way. The listed items have previously been brought to your attention and remain non-compliant, as a result of your negligence, in complying with the terms of your contract.


Exterior Remediation Renovations
Cresthaven Elementary School
Virginia Shuman Young Elementary
June 28, 2001
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Project Number 0901-99-05
Project Number 3321-99-05

Therefore, according to the terms of your contract including Document 00700 General Conditions Articles 7, 14, and 40, Trintec Construction, Inc. shall immediately Cease and Desist from performing defective work. The School Board of Broward County, Florida shall reserve the right to take possession of the project site, all materials and equipment on the site, and complete work under the terms of the contract at any time.

You are herewith advised that due to your continued non-compliance with the terms of your contract, the Facilities and Construction Management Department will recommend to The School Board of Broward County, Florida that it terminate its contract with Trintec Construction, Inc. during the meeting on July 17, 2001 at 1:00 PM, at Kathleen C. Wright Administration Center 600 Southeast Third Avenue, Fort Lauderdale, Florida.

Sincerely,


Thomas J. Calhoun
Deputy Superintendent

TJC/DJR/JAC/DAA:yr

cc: Robert L. Goode, Director, Compliance
Christine Miller, Principal, Cresthaven Elementary School
Hazel Calvet, Principal, Virginia Shuman Young Elementary School
Rebecca Blackwood, Senior Supervisor, Code Compliance
E. Denise Cone, Construction Manager
Denis Herrmann, Coordinator, Contracts
Lou Gonzalez, Coordinator, LEA
Edward J. Marko, School Board Attorney
Joseph Masullo, Vaughn, Wunsch, Masullo Architects, P.A.
Great American Insurance Company, Surety Certified Mail RRR# 415 931 798
Mark Skweres, Program Manager, EE & G, Inc.
Project File



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THOMAS J. CALHOUN
Deputy Superintendent
Facilities & Construction Management

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BENJAMIN J. WILLIAMS

JASON LEAR
Student Advisor

DR. FRANK TILL
Superintendent of Schools

May 21, 2001

ADVANCE COPY VIA FAX

Certified Mail RRR # Z 415 931 792

Petulia N. Schwartz, President
Trintec Construction, Inc.
7865 NW 66th Street, Suite 102
Miami, Florida 33166

Subject: Exterior Remediation Renovations
Cresthaven Elementary School Project No. 0901-99-05
Virginia Shuman Young Elementary Project No. 3321-99-05
Notice of Non-Performance

Ms. Schwartz:

Pursuant to the terms of your contract including Document 00700 General Conditions Article 7, 14, 15, 17, 18, 26, 33, 35, and other previous, this letter shall serve as notice of non-performance as required under your contract.

Should Trintec Construction, Inc. fail to immediately respond to correct the foregoing non-conforming contract requirements within seven days receipt of this notice we intend to recommend that The School Board of Broward County, Florida terminate their contract with Trintec Construction, Inc. during its meeting on June 5, 2001.

The following items are presently not in conformance with your contract:

Cresthaven Elementary School:

1. As of this date, the contractor has failed to complete work on this project. This project currently one hundred eleven (111) days past the required Substantial Completion date of January 19, 2001.

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Cresthaven Elementary School
Virginia Shuman Young Elementary
Notice of Non-Performance
May 15, 2001
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**Project No. 0901-99-05
Project No. 3321-99-05**

2. Window components delivered to the project site are stored in the school's Art Patio and the contractor refuses to relocate these items to the project staging area.
3. The contractor has failed to provide a Field Office on this project site.
4. The contractor has failed to provide submittals for the replacement door hardware adjacent to the Art Patio.
5. The contractor continually fails to provide a superintendent during the time work is being performed on this project site.

Virginia Shuman Young Elementary:

1. As of this date, the contractor has failed to complete work on this project. This project is currently one hundred eleven (111) days past the required Substantial Completion date of January 19, 2001.
2. The contractor has failed to correct metal coping flashing installations on this project site.
3. The contractor has failed to remove existing plaster channel screeds below pre-cast concrete copings on the Mechanical Enclosure on the north side of the facility and the Kindergarten Playground Building on the east side of the facility.
4. The contractor has failed to complete repairs on an expansion joint on the east side of the facility.
5. The contractor has failed to provide submittals for the replacement door and hardware adjacent to the Art Patio.
6. The contractor continually fails to provide a superintendent during the time work is being performed on this project site.

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Cresthaven Elementary School
Virginia Shuman Young Elementary
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Project No. 0901-99-05
Project No. 3321-99-05

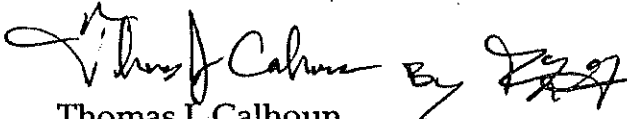
7. The contractor continually fails to maintain the project site and staging area in a clean and orderly fashion.
8. The contractor has failed to provide an office area for the owner/owner's representative that is not being used for storage.
9. Refusal to accept direction from owner and project consultant regarding contract requirements.

The foregoing list does not represent the entirety of your contractual obligations and shall not alter the requirements under your contract in any way. The listed items have previously been brought to your attention and remain non-compliant as a result of your not complying with the terms of your contract.

Therefore, as indicated above, unless Trintec Construction, Inc. responds according to the terms of its contract within the time prescribe in its contract we intend to exercise every legal right afforded under said contract.

If you need further clarification, please contact Dave A. Archer, Project Manager, concerning Virginia Shuman Young Elementary (954) 765-7055 and Charles Ricks, Project Manager, concerning Cresthaven Elementary (954) 765-6408.

Sincerely,


Thomas J. Calhoun
Deputy Superintendent

TJC/DAA:yr

Exterior Remediation Renovations
Cresthaven Elementary School
Virginia Shuman Young Elementary
Notice of Non-Performance
May 15, 2001
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Project No. 0901-99-05
Project No. 3321-99-05

cc: Robert L. Goode, Director, Compliance
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