

INTRODUCED BY COMMISSIONER CURTAN

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING ITS BOARD OF COUNTY COMMISSIONERS TO SETTLE A CLAIM BY W. R. FRIZZELL ARCHITECTS, INC. FOR PAYMENT FOR ADDED ARCHITECTURAL WORK CONCERNING THE DESIGN OF THE NEW COUNTY CRIMINAL JUSTICE COMPLEX; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, W. R. Frizzell Architects, Inc. (hereinafter called Frizzell Architects) submitted a statement dated December 20, 1983 (see Exhibit A) which shows a billing of \$138,600.00 in excess of its Basic Service contract price for architectural services that it asserts were requested by the County but were not included within the scope of the basic contract services to be provided by Frizzell Architects for design on the County's new criminal justice complex; and,

WHEREAS, the Board of County Commissioners of St. Johns County (hereinafter called County Commission) recognizes that Frizzell Architects, Inc. may, in fact, have performed two distinct schematic designs toward the final design of the new county criminal justice complex; and,

WHEREAS, the Board of County Commissioners did on April 13, 1982, instruct Frizzell Architects, Inc. to proceed with the Design Development Documents and whereas Frizzell Architects submitted an invoice dated May 6, 1982 indicating that the Design Development Documents were 100% complete; and,

WHEREAS, Frizzell Architects was then instructed on May 24, 1982 to stop further efforts on the design and has contended that it was later instructed to commence work on a new and different design development phase; and,

WHEREAS, Frizzell Architects has certified that from April 13, 1982 through May 6, 1982 Frizzell Architects had 8 persons working 40 hour weeks on the design development phase for the new jail and that the average direct personnel expense for the eight employees was \$18.00 per hour; and,

WHEREAS, the County Commission asserts that it did not instruct Frizzell Architects to proceed into the construction document phase prior to the County's May 24, 1982 "stop further efforts on design" order; and,

WHEREAS, the County Commissioners have strong reason to believe that the cost to the County to retain attorneys and independent architectural experts

to defend or prosecute an arbitration or trial proceeding to settle the dispute plus the costs to the County of diverting county employee efforts toward such arbitration or law suit would exceed \$10,000.00; and,

WHEREAS, Frizzell Architects has agreed to settle their \$138,600.00 claim for excess or added work performed toward design of the County's criminal justice complex for \$107,308.00 and has agreed to release the County from all claims for additional schematic design phase work, for additional design development phase work, and for additional construction documents phase work performed by Frizzell Architects toward design of the County's criminal justice complex prior to December 20, 1983; and,

WHEREAS, the County recognizes that Frizzell did, in fact, perform work that could not, for reasons sometimes beyond the control of Frizzell, be incorporated into the final design of the criminal justice facilities; and,

WHEREAS, the Board of County Commissioners finds that the proposed settlement has merit and would be in the best interests of the County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. Upon receipt from Frizzell Architects and Pierce Dorsey Rohrdanz Architects, Inc. of a Release in the form attached hereto as Exhibit B that releases St. Johns County, Florida and the Board of County Commissioners of St. Johns County, Florida from all claims and demands for additional schematic design phase work, for additional design development phase work, and for additional design of the County's criminal justice complex prior to December 20, 1983, the Board of County Commissioners is authorized to settle the contested claim of Frizzell Architects by accepting and agreeing to the attached statement for ALL architectural services rendered by Frizzell Architects toward the design of the County's criminal justice complex prior to December 20, 1983 including the Architect's agreement on the statement to credit the County with \$31,292.00 to be credited at the rate of 20% of said \$31,292.00 over each of the next five Architect invoices.

Section 2. This ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Secretary to the State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, this 14th day of February, 1984.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY Chester Benet
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

Adopted 2/14/84 Effective: 2-21-84

BY Cree Hudson De Clerk, ORDINANCE BOOK 5 PAGE 562



Frizzell Architects

Architecture
Engineering
Planning

1645

Winter Park
Fort Myers

W. R. Frizzell Architects, Inc.
200 West Welbourne Avenue
Winter Park, Florida 32789
(305) 628-0620

December 20, 1983

Mr. David E. Halstead
Business Manager
St. Johns County
P.O. Drawer 349
St. Augustine, FL 32084

STATEMENT

For Architectural Services Rendered
on
St. Johns County Criminal Justice Complex

Fee For Additional Services Prior to 24 May 1983 Earned To Date:

- * 100% Completion of Criminal Justice Study and
Partial Completion of Schematic Design
(Invoiced 5 December 1981) \$ 40,000.00
- * 100% Completion of Schematic Design
(Invoiced 31 March 1982) \$ 19,400.00
- * 100% Completion of Design Development
(Invoiced 6 May 1982) \$ 79,200.00

TOTAL EARNED TO DATE FOR ADDITIONAL SERVICES \$138,600.00

Fee For Basic Services From 24 May 1983 To Present:

- * Redesign Services Through 21 January 1983,
Applied to Schematic Design
(Invoiced 24 February 1983) \$ 21,770.29
- * 100% Schematic Design
(Invoiced 26 May 1983) \$ 23,473.42
- * 85% Design Development
(Invoiced 30 June 1983) \$ 51,276.21



Frizzell Architects

1645

December 20, 1983
Mr. David E. Halstead
RE: ST. JOHNS CRIMINAL JUSTICE COMPLEX

Page Two

* 100% Design Development Plus Reimbursables (Invoiced 28 July 1983)	\$ 10,717.33
* 10% Construction Documents (Invoiced 25 August 1983)	\$ 12,064.99
* 15% Construction Documents (Invoiced 29 September 1983)	\$ 6,032.49
* 25% Construction Documents (Invoiced 2 November 1983)	\$ 38,991.19
* 55% Construction Documents (Invoiced 30 November 1983)	\$ <u>41,706.69</u>
TOTAL EARNED FOR BASIC SERVICES (Including \$1,668.60 for Reimbursables)	\$206,032.61
TOTAL FEES & REIMBURSABLES EARNED TO DATE	\$344,632.61
PAID TO DATE:	
* Additional Services	\$138,600.00
* Basic Services	\$204,364.01
* Reimbursables	\$ <u>1,668.60</u>
TOTAL PAID TO DATE:	\$344,632.61

FRIZZELL ARCHITECTS proposes to credit this account \$31,292.00 at the rate of 20% per invoice over the next five invoices.

Note: For information purposes, the contract fee for Basic Services is based on 6.7% of the construction cost (plus reimbursables). Invoices and payments are currently being made on the estimated cost of construction and will be adjusted at such time as the cost is finalized.



Frizzell Architects

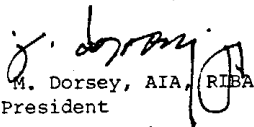
December 20, 1983
Mr. David E. Halstead
RE: ST. JOHNS COUNTY CRIMINAL JUSTICE COMPLEX

Page Three

6.7% x \$5,394,936 (estimated construction cost)	=	\$361,460.71
Basic Services Earned To Date (less reimbursables)	=	(204,364.01)
Remaining to Be Invoiced (Earned)	=	\$157,096.70
Less Credit	=	(31,292.00)
TOTAL REMAINING	=	\$125,804.70

Respectfully submitted,

W. R. FRIZZELL ARCHITECTS, INC.


James M. Dorsey, AIA, RIBA
Vice President

cc: J. L. Harrington
James G. Sisco
George Bail
Roger Pierce

JMD/bc

executive line

Know All Men By These Presents,

That

W. R. FRIZZELL ARCHITECTS, INC. AND PIERCE DORSEY ROHRDANZ ARCHITECTS, INC.

for and in consideration of the sum of

\$ 313,340.61
lawful money of the United States of America, to them in hand paid by
the Board of County Commissioners of St. Johns County, Florida

have remised, released, and forever discharged, and by these presents do, for
their assigns, heirs, executors and administrators, remise,
release, acquit, satisfy and forever discharge the said St. Johns County and the
Board of County Commissioners of St. Johns County, Florida, and their officers,
agents, employees,

heirs, executors and administrators, of and from all, and all manner of action and
actions, cause and causes of action, suits, debts, dues, sums of money, accounts,
reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements,
promises, variances, trespasses, damages, judgments, executions, claims and
demands whatsoever, in law, or in equity, which against them, they ever had,
now have or which their assigns, heirs, executors or administrators, hereafter
can, shall or may have, for, upon or by reason of any matter, cause, or thing what-
soever, from the beginning of the world to the day of the date of these presents,

concerning all architectural work and services, including but not limited to
all Additional Services, provided by said architects toward the design of the
St. Johns County criminal justice complex prior to December 20, 1983. This
release shall not prevent either party from requesting adjustments of archi-
tectural fees for Basic Services based upon the final construction cost.


In Witness Whereof, we have hereunto set our hands and seal
the _____ day of _____ in the year of our Lord one
thousand nine hundred and eighty-_____.

Signed, Sealed and Delivered in presence of:

W. R. FRIZZELL ARCHITECTS, INC. 

BY: _____
Its President 

PIERCE DORSEY ROHRDANZ ARCHITECTS, INC. 

BY: _____
Its President 

State of Florida

County of _____

I Herby Certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, _____, the president of W.R. Frizzell Architects, Inc., a Florida corporation,

to me well known to be the person described in and who executed the foregoing General Release, and he acknowledged before me that he executed the same for the purposes therein expressed, on behalf of the corporation.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at _____ said County and State, this _____ day of _____ A. D. 19 _____.

My Commission Expires _____

Notary Public
State of Florida at Large

Release
General

TO

Dated _____ 19 _____

STATE OF FLORIDA
COUNTY OF _____

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, _____, the president of Pierce Dorsey Rohrdanz Architects, Inc., a Florida corporation, to me well known to be the person described in and who executed the foregoing General Release, and he acknowledged before me that he executed the same for the purposes therein expressed on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ said County and State, this _____ day of _____, 19 _____.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES:

ORDINANCE BOOK 5 PAGE 567

84-11

COPY OF ADVERTISEMENT

The St. Augustine Record
PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Robert E. James who on oath says that he is
Production Manager of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a _____
Notice of County Commission Meeting
_____ in the matter of _____
Proposed Passage of an Ordinance
_____ in the _____ Court,
was published in said newspaper in the issues of _____
January 26, 1984

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me
this 27th day of January 1984
A.D. 19 84
Ruth M. Walker

(SEAL) Notary Public
Notary Public, State of Florida
My Commission Expires May 13, 1985
Bonded Thru Troy Fair - Insurance, Inc.

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON FEBRUARY 21, 1984, AT TEN O'CLOCK A.M. IN THE COUNTY COMMISSIONERS' ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING ITS BOARD OF COUNTY COMMISSIONERS TO SETTLE A CLAIM BY W.R. FRIZZELL ARCHITECTS, INC. FOR PAYMENT FOR ADDED ARCHITECTURAL WORK CONCERNING THE DESIGN OF THE NEW COUNTY CRIMINAL JUSTICE COMPLEX; AND PROVIDING AN EFFECTIVE DATE. The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, at the County Courthouse, and may be examined by parties interested prior to said public hearing. All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing. If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
Carl "Bud" Merkel, Chairman