

RESOLUTION R-21-163

A RESOLUTION OF THE MANATEE COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE SIGNING AND SUBMISSION OF A SETTLEMENT AGREEMENT BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND MANATEE COUNTY PUBLIC WORKS DEPARTMENT

WHEREAS, due to a wastewater reservoir emergency at Piney Point, Manatee County, the Department was required to engage the Contractor to provide labor, equipment and materials in support of emergency operations critical to the Piney Point response; and the Manatee County Board of County Commissioners (BCC) has the authority to file and accept a Settlement Agreement with the Florida Department of Environmental Protection, due to by the Department of Transportation as authorized by Chapter 341, Florida Statutes and/or by the Federal Transit Administration Act of 1964, as amended; and

WHEREAS, the emergency operations were performed under Mission Numbers 00106 and 00069 via Emergency Final Order 21-0323.

WHEREAS, on June 16, 2021, the Department received from the Contractor Invoice no. FDEP-001, attached as Exhibit A, for the emergency services provided; and

WHEREAS, the Contractor has a colorable claim for payment for the said services, and the Department desires to settle and discharge such claim; and

WHEREAS, the Chief Financial Officer of the State of Florida Comptroller Memorandum No. 2 requires a settlement agreement be executed to settle the Contractor's claim.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. The Department agrees to submit to the Chief Financial Officer of the State of Florida for payment of twenty-four thousand, five-hundred and thirty-nine Dollars and fifty-five Cents, (\$24,539.55), to be processed in accordance with Section 215.422, Florida Statutes. This payment shall be considered full and complete satisfaction of any amounts or costs associated with work performed by the Contractor during the period of service from April 2, 2021 through April 9, 2021, as described on Invoice no. FDEP-001, and any claims and invoices associated therewith including interest, fees, and costs associated with the claim referenced herein.
2. Upon receipt of payment, as provided in paragraph (a), the Contractor, for itself, its attorneys, heirs, executors, administrators, successors and assigns, does hereby fully, finally and forever release and discharge the State of Florida Department of Environmental Protection and its agents, representatives, and attorneys, of and from all claims, demands, actions, causes of action, suits, damages, losses and expenses, of any and every nature whatsoever arising from any or all of the facts or circumstances which gave rise to this dispute including, but not limited to, claims that were or may be asserted in any federal, state or local agency or court, by or on behalf of the Contractor.

3. This Agreement shall be binding upon, and inures to the benefit of, the parties, their assigns, and their successors in interest.
4. This Agreement is contingent upon approval by the Chief Financial Officer of the State of Florida. Until such approval is received, the Department has no obligation to make any payments pursuant to this Agreement.
5. The Public Works Director or in his absence, the Public Works Deputy Director for Field Operations, is hereby authorized to sign and/or submit the agreement, unless specifically rescinded.

Duly Passed And Adopted, with a quorum present and voting, this 16th day of November, 2021.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____

Vanessa Baugh, Chairman

ATTEST: ANGELINA "ANGEL" COLONNESO
Clerk of the Circuit Court

By: _____

Yehi Jassman