

By Representative Melvin

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A bill to be entitled
An act relating to the Department of Management
Services; providing for the relief of Dale R.
Cowie; providing an appropriation to reimburse
him for expenses incurred in the completion of
a state contract; providing an effective date.

WHEREAS, in 1991, Fire Control, Inc., a company which
designed and installed fire sprinkler systems, installed
sprinkler systems in two single-cell housing units at the
Jackson Correctional Institution, state project #DC-89013100,
and

WHEREAS, because the contract drawings prepared by the
architectural firm on the project were erroneous, Fire
Control, Inc., incurred an additional expense of \$15,401.77 to
properly install the system, for which they were never
reimbursed, and

WHEREAS, Fire Control, Inc., was a subcontractor to J.
Kinson Cook, Inc., the general contractor for the Jackson
Correctional Institution project, and

WHEREAS, J. Kinson Cook's contract was held and
administered by the Department of Management Services,
formerly the Department of General Services, which was the
contracting agency for the project, and

WHEREAS, on September 30, 1993, J. Kinson Cook, Inc.,
signed a release acknowledging final payment by the state and
releasing the Department of Corrections and the Department of
Management Services from all claims under the construction
contract and any subcontracts for the project, and

1 WHEREAS, no claim for additional compensation for
2 completion of state project #DC-89013100 was filed against the
3 state by the general contractor, and

4 WHEREAS, though a payment bond was issued by a surety
5 company to cover payments to subcontractors in the event the
6 general contractor failed to pay all expenses owed, the
7 statute of limitations has expired for suits against a surety
8 company on a bond for a public project and for suits against
9 the contractor, and

10 WHEREAS, since 1991, Dale R. Cowie, formerly the
11 president of Fire Control, Inc., has attempted to obtain
12 reimbursement for his company's expenses, and

13 WHEREAS, in September 1995, Fire Control, Inc., ceased
14 operations due to financial difficulties which stemmed in
15 great part from the loss incurred in the performance of this
16 subcontract, and

17 WHEREAS, Dale R. Cowie seeks reimbursement from the
18 Department of Management Services in the amount of \$15,401.77,
19 NOW, THEREFORE,

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21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. The facts stated in the preamble to this
24 act are found and declared to be true.

25 Section 2. The Executive Office of the Governor is
26 directed to transfer existing spending authority or establish
27 spending authority from unappropriated trust fund balances in
28 the Department of Management Services in the amount of
29 \$15,401.77 to a new category titled "Relief - Dale R. Cowie"
30 as relief for costs incurred in the performance of a state
31 contract.

