

By Senator Campbell

33-58-99

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A bill to be entitled

An act relating to the Board of Regents;
providing for the relief of R.B. Gay; providing
for an appropriation; providing an effective
date.

WHEREAS, R.B. Gay and the Florida Board of Regents
entered into a construction contract for renovations and
repairs to the 70-year-old chemistry building known as Leigh
Hall located on the campus of the University of Florida, and

WHEREAS, there were more than 70 changes to the scope
of the work which were grouped into 14 Change Orders that
caused the original contract amount of \$7,568,500 to be
increased to \$8,986,620, and the date of substantial
completion to be extended from July 31, 1993, to January 30,
1994, and

WHEREAS, at the close of the project the Board of
Regents withheld \$100,000 pending satisfactory completion of
painting of exterior wood window frames and withheld \$212,350
in liquidated damages for delays, and

WHEREAS, R.B. Gay sought payment of costs for
additional work performed by R.B. Gay and its subcontractors,
payment of amounts approved by the Board of Regents and the
architect but not paid for by the Board of Regents, recovery
of liquidated damages for delays imposed by the Board of
Regents, damages incurred by R.B. Gay as a result of delays
caused by the University of Florida and its consultants, and
the cost of correcting the exterior wood window frame paint
problem, plus interest, attorney's fees, and costs, and

1 WHEREAS, after R.B. Gay and the Board of Regents were
2 unable to resolve their disputes, R.B. Gay filed suit on
3 October 31, 1994, and

4 WHEREAS, the parties tried to settle the matter through
5 formal mediation, but the Board of Regents was only able to
6 offer \$132,000, which was the balance of funds available in
7 the fixed capital outlay appropriation for the project, and

8 WHEREAS, the trial, which was originally set for March
9 1997, was continued on the motion of the Board of Regents,
10 delaying the case for 11 months, and

11 WHEREAS, the case was ultimately tried at a 2-week
12 bench trial in Leon County, beginning February 9, 1998, and
13 concluding February 20, 1998, and

14 WHEREAS, the trial court awarded R.B. Gay a total
15 judgment of \$577,411.77, NOW, THEREFORE,

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

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19 Section 1. The facts stated in the preamble to this
20 act are found and declared to be true.

21 Section 2. The sum of \$577,411.77 is appropriated out
22 of funds in the State Treasury to the credit of the Board of
23 Regents to be paid to R.B. Gay to satisfy the judgment of the
24 Leon County Circuit Court.

25 Section 3. The Comptroller is directed to draw a
26 warrant in favor of R.B. Gay in the sum of \$577,411.77 upon
27 funds in the State Treasury to the credit of the Board of
28 Regents, and the State Treasurer is directed to pay that
29 amount out of those funds.

30 Section 4. This act shall take effect upon becoming a
31 law.

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SENATE SUMMARY

Provides for the relief of R.B. Gay to satisfy a judgment awarded against the Board of Regents in a contract dispute.