



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Department of Parks and Recreation, Prince George's County
6600 Kenilworth Avenue Riverdale, Maryland 20737

Date: January 13, 2022

MEMORANDUM

To: The Honorable Calvin Hawkins, Chair Prince George's County Council

Via: Bill Tyler, Department of Parks & Recreation Director ^{BT}_{BT}

From: Elizabeth Adams, M-NCPPC Senior Counsel ^{EA}_{EA}
Aaron Waller, Department of Parks & Recreation CIP Budget Manager ^{ABW}

RE: Capital Projects Budget Transfer for Southern Area Aquatic and Recreation Complex Project

This memo is to request the approval of a budget transfer in the total amount of \$1,714,671.50 from the Fund for Capital Project Contingencies (FCPC) Project #4.99.0269 to the Southern Area Aquatic and Recreation Complex (SAARC), Project #4.99.0157.

A significant part of the closeout of the SAARC project was the resolution of outstanding/unresolved change order requests and threatened litigation by the General Contractor, Coakley Williams Construction Inc. ("CWC"). Since that time, CWC has filed suit against the Commission in the case entitled, *Coakley Williams Construction Inc. v. Maryland-National Capital Park and Planning Commission*, CAL20-13593 (the "Litigation"). In its suit, CWC seeks compensation in the amount of \$3,620,639.42, plus interest, and an extension of the Contract time by an additional 350 calendar days. The monies and additional time sought are part of change order requests filed by CWC following substantial completion of the project. The amount contained in the suit includes \$385,328.50 in retainage.

After substantial efforts, the parties have been able to reach a tentative settlement of the Litigation. In addition to releasing the retainage in the amount of \$385,328.50, the Commission will pay to CWC the additional sum of \$1,714,671.50, for a total amount of \$2,100,000.00. This sum will resolve the totality of CWC's claims relating to SAARC and the Litigation in its entirety.

We therefore request approval to transfer the sum of \$1,714,671.50 from the Fund for Capital Project Contingencies to the Fund for the Southern Area Aquatic and Recreation Complex. Please see the attached corresponding Resolution.

Please let me know if you have any questions. We are available to meet virtually to discuss if you so desire.

CC: Honorable Elizabeth M. Hewlett, Chair Prince George's County Planning Board
Mr. John Kroll, M-NCPPC Corporate Budget Manager
Mr. Alvin McNeil, Special Advisor
Mr. Christian Gabriel, Deputy Director Administration & Development
Ms. Bridget Stesney, Division Chief Park Planning & Development
Ms. Jackie Brown, PHED Committee Director
Ms. Turkessa Green, Deputy County Auditor