

## **M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Maricruz R. Fincher, Office of Counsel

**DATE:** October 9, 2025

**SUBJECT:** C-43 Reservoir

### **Agenda Item Background:**

The Comprehensive Everglades Restoration Plan (CERP) will restore and improve freshwater deliveries to the natural system and provide water for other related needs of the system. The C-43 West Basin Storage Reservoir was approved by Congress in 2014 and provides 170,000 acre-feet of water storage to improve ecological conditions in the Caloosahatchee River and Estuary. The reservoir will capture excess water in the river originating from local run-off and Lake Okeechobee, reducing discharges to the Caloosahatchee River and Estuary.

In March 2019, the District contracted with a contractor to build the Bid Package 4 Civil Works project (BP4.) The contractor did not adhere to the contract's required schedule, which set forth a mandatory substantial completion date and final completion date. The contractor also refused to make the necessary changes to get back on schedule or prevent further delay. As a result, the District terminated the Contractor and filed a breach of contract suit to recover damages. The case is a multi-million-dollar complex construction dispute that the parties are vigorously litigating. The District hired Kirwin Norris P.A., a law firm with seven Florida Bar Board Certified Construction Lawyers specializing in construction law to serve as lead counsel in this case.

This case is set for trial beginning February 2026. The Office of Counsel requests to amend the District's contract with Kirwin Norris, P.A. to increase funds by \$3,500,000.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

This project supports the District's missions of ecosystem restoration, water supply and flood control.

#### **Funding Source:**

This project is funded through Dedicated Funds (State Appropriations).

#### **Staff Contact and/or Presenter:**

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### **ATTACHMENTS:**

[Resolution No. 2025-1009](#)