

**Keith A. James**  
**Mayor**

February 6, 2025

Palm Beach Post  
Editorial Board  
2751 S. Dixie Highway  
West Palm Beach, FL 33405

To Editorial Board:

This letter is being written in response to a recent editorial criticizing me and the City Commission for the decision (the "Decision") at the January 21, 2025 City Commission meeting authorizing execution of the contract for the Currie Park Redevelopment Park Project (the "Project"), after West Construction ("West") was selected as the contractor through a competitive process.

Frankly, I was appalled by the lack of research done prior to the criticism of the Decision. It is as if the editorial was simply responding to the question contained in the inaccurate headline for the news story ("Should West Palm approve contract with CEO indicted for fraud?") as opposed to doing a thorough job of understanding the basis for the Decision. This editorial represents the height of inferior, sloppy and unthorough journalism.

Questions that should have been considered and researched before jumping to conclusion that the Decision has a "stench" related to it, include the following:

- Whether or not the City could reject the Decision without risking a bid protest and lawsuit?
- The impact on the Project that would result from a reversal of the Decision?
- Whether or not the federal grants committed to the Project obligate the City to select the lowest responsible bidder?
- Whether or not a performance bond would be posted by West?
- Whether or not a performance bond would protect the City against any losses if West failed to perform its contractual obligations?
- Does the writer even know what a performance bond is?

By the way, if one watched the tape, all of these issues (except for the last question) were discussed at the aforementioned Commission meeting.

Now, let me share some actual **facts** related to the Project and the Decision:

1. The Project is a signature project of the City and has been discussed by the Commission since 2018.
2. The Project is a priority project of my Administration and is anxiously anticipated by the surrounding community, as at least 12 community meetings have been held since December, 2020.
3. On June 3, 2022, the City received a federally funded grant (the “Federal Grant”) through the Department of Commerce in the amount of \$16.7 million. The deadline for the work to be performed with the proceeds of the Federal Grant is June 2, 2026. The failure to complete construction work by the Federal Grant deadlines may result in the withholding of Federal Grant funds and/or termination of the Federal Grants.
4. The Project has received 3 state grants (collectively, the “State Grants”) for the Project, in the aggregate amount of \$2.1 million. The failure to complete construction work by the State Grant deadlines may result in the withholding of State Grant funds and/or termination of the State Grants.
5. The Parks Bond which was approved by Palm Beach County voters in March, 2020, allocated \$8.4 million to the Project. If that amount is not used for the Project, the City could incur significant adverse financial consequences.
6. Under the City’s Procurement Code (the “Code”), the indictment of officers of a respondent is not the basis for disqualification of the respondent from the bid process. There were no other reasons under the Code for which West should be deemed disqualified.
7. If the City rejected West at the expense of the stated risks and selected the second low bidder, it would be obligated to pay an additional \$5 million for the Project, which monies are not currently available.
8. Selecting the second low bidder when West met the requirement of the Invitation to Bid (“ITB”) and the Code, would subject the City to a bid protest by West and likely litigation related thereto. Such action would significantly delay the Project, to the extent that the City would be unable to satisfy the conditions of the Federal and State Grants. If the City lost the revenues from the Federal and State Grants, it would be unable to pay for the Project. In other words, the Project would die.

9. A performance bond (the "Bond") in the amount of \$35,385,279.95 has already been posted by West in connection with the Project. In the event that West failed to perform its contractual obligations in connection with the Project, the surety would be obligated to find a contractor to complete the Project using the bond funds.
10. Since West itself was not indicted, even if the indicted officer of West were ultimately convicted of certain crimes, West would still be able to perform its contractual obligations related to the Project. In fact, a Succession Plan for West was presented to the Commissioners at the Commission Meeting.
11. West has previously performed 11 significant projects in the City during the past 20 years, for a total amount of \$29.5 million. This includes the recent award of the \$15 million Gaines Park Redevelopment Project which was underway prior to the aforementioned indictment and on which the work is being performed at a high level. In fact, there have been no defaults or substandard performance on any of those contracts.

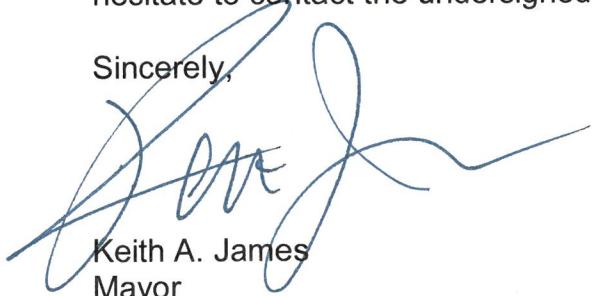
In conclusion, while one can sit in an ivory tower and criticize the fact that West does not pass some so-called "purity test" because of the indictment of a certain officer of West, that failure does not, in and of itself, justify risk losing the Project in totality. If West were disqualified because of the indictments of one of its officers, that certainly would have led to the demise of the Project. It would be folly to jeopardize the Project because of so-called "bad optics." The benefits of the Project to this City far outweigh any negative perception created by the alleged misdeeds of a single West company officer in Tampa, Florida.

As Teddy Roosevelt once said, "It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually **in the arena**, . . ."

It is easy to sit on the sidelines and "Monday Morning quarterback", but true leadership requires tough, difficult decisions, often in the heat of battle.

Thank you for your prompt attention to this matter. If you have any questions, do not hesitate to contact the undersigned.

Sincerely,



Keith A. James  
Mayor