

Office of Superintendent of Schools
Board Meeting of May 16, 2001

May 7, 2001

Office of School Board Attorney
Johnny Brown, Board Attorney

**SUBJECT: T.J. BUILDERS CORP. v. MIAMI-DADE COUNTY SCHOOL BOARD,
Case No. 00-30479 CA 21 (Myrtle Grove Elementary School)
SETTLEMENT AGREEMENT**

In November, 2000, T.J. Builders Corp. filed a lawsuit against the Board in the Miami-Dade County Circuit Court seeking release of retainage and additional payments over the contract price in connection with the construction and renovations project at Myrtle Grove Elementary School. The lawsuit sought \$176,023, comprised of \$52,779 in retainage, \$107,356 for Change Order 31, and \$15,888 for Change Order 128. Through court-ordered mediation held on April 18, 2001, the parties have agreed to settle this matter pending approval of the Board. The settlement is for \$108,658, consisting of \$52,779 in contract retainage and \$55,879 in extended General Conditions resulting from changes in the scope of the work.

The settlement is recommended as advantageous to the School Board, considering the evaluation of evidence available, the risks of Plaintiff's recovery at trial and the continuing costs of attorneys for the School Board. The administrative staff and School Board Attorney are in agreement with the recommendation.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve and authorize settlement of all claims in the case of T.J. Builders Corp. V. Miami-Dade County School Board, Case No. 00-30479 CA 21, in the amount of \$108,658.

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