

Office of Superintendent of Schools
Board Meeting of July 11, 2001

June 27, 2001

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: PROPOSED SETTLEMENT AGREEMENT
JCI INTERNATIONAL, INC. v. THE SCHOOL BOARD OF MIAMI-
DADE COUNTY, FLORIDA, Circuit Court Case No. 99-20944 CA 05

On September 2, 1999, JCI International, Inc. (JCI) filed a Complaint in the above styled case in the Circuit Court in and for Miami-Dade County, Florida, seeking retainage being withheld and additional payments over and above the contract price arising from alleged owner-caused delays associated with the new construction and renovations at Liberty City Elementary School.. JCI is claiming damages in excess of \$308,000 exclusive of interest and litigation costs. In response to the Complaint, the Board's counsel raised defenses including setoff for liquidated damages based on JCI's delay in completion of the work.

Pursuant to settlement negotiations, the Board's outside counsel and the Office of Capital Construction Compliance have negotiated a settlement with JCI that provides for a global resolution of all claims for the total sum of \$175,000, a portion of which includes retainage being held by the School Board. The Office of Capital Compliance Construction and the Office of the School Board Attorney are in concurrence with the proposed negotiated settlement as being in the best interests of the Board and representing a compromise by all parties in an effort to amicably resolve this dispute. A memorandum briefly analyzing the action against the School Board and explaining the settlement proposal has been prepared by outside counsel and provided to the Board members under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to enter into the Settlement Agreement in the case of JCI International, Inc. v. The School Board of Miami-Dade County, Florida, Circuit Court Case No. 99-20944 CA 05, for the payment of \$175,000 to JCI International, Inc. in settlement of all claims.

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