

Office of Superintendent of Schools
Board Meeting of December 12, 2001

November 28, 2001

Office of School Board Attorney
Johnny Brown, Board Attorney

**SUBJECT: MIAMI NORTHWESTERN SENIOR HIGH SCHOOL
AUTHORITY TO FILE SUIT AGAINST PROJECT ARCHITECT
AND UNIFORM BUILDING CODE INSPECTOR**

During the course of litigation with the Contractor for the Miami Northwestern Senior High School project, it was discovered that claims may exist against the Project Architect and the Uniform Building Code Inspector, for inadequate contract administration and failure to properly perform uniform building code inspections. As a result, staff has determined that the project is faced with substantial repair costs, some of which are life safety issues. The administrative staff and the Board's outside counsel are assessing potential claims against the Project Architect and Uniform Building Code Inspector and have invited each to enter into informal settlement discussions to possibly reach amicable resolutions to these potential claims. Additionally, tolling agreements are being pursued because of the statute of limitations period for claims of this nature.

Time is of the essence in this matter, and in the event informal settlements are not reached or a tolling agreement not entered into, the Board's outside counsel has recommended that a complaint be prepared and filed immediately. It is therefore requested that the Board authorize the Board Attorney's Office to direct outside counsel to proceed with filing and prosecution of such lawsuits as are necessary to protect the Board's interests in this matter.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the filing of lawsuits against the Project Architect and the Uniform Building Code Inspector to recover costs incurred by the Board arising from inadequate contract administration and failure to properly perform building code inspections relating to the design and construction of Miami Northwestern Senior High School.

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