

Office of Superintendent of Schools
Board Meeting of January 14, 2004

January 9, 2004

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
WOLFBERG ALVAREZ AND PARTNERS, INC.; CASE NO. 02-27230 CA 27

On October 29, 2002, a lawsuit was filed on behalf of the School Board against Wolfberg Alvarez and Partners, Inc. for breach of contract and indemnification arising from Wolfberg's errors and omissions and inadequate construction administration on the Miami Northwestern Senior High construction project. The School Board's claims against Wolfberg were in excess of \$1 million.

The Court referred this matter to mediation and after extended negotiations a Settlement Agreement was reached conditioned upon Board approval. This settlement proposal calls for a total payment to the School Board of \$850,000.

This settlement is recommended as being in the best interest of the Board given the consideration of the full range of information which was developed throughout this litigation and provided to the Board in an Attorney-Client session and by memorandum delivered under separate cover. The Board's outside counsel, School Board Attorney, and administrative staff are in agreement with this recommendation. A copy of the Settlement Agreement will be provided to the Board under separate cover.

This item was not published in the regular agenda. There is good cause to vary from the Agenda to timely accept the Settlement Agreement as stipulated in mediation.

RECOMMENDED: That the School Board of Miami-Dade County, Florida, approve the Settlement Agreement and accept payment of \$850,000 in the case of The School Board of Miami-Dade County, Florida v. Wolfberg Alvarez and Partners, Inc., Case No. 02-27230 CA 27.

JB/sh

GOOD CAUSE
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