

MEMORANDUM

March 15, 2005

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Rudolph F. Crew, Superintendent of Schools *RFC*

SUBJECT: **WITHDRAWAL OF AGENDA ITEM F-37  
TERMINATION FOR CONVENIENCE OF CONSTRUCTION CONTRACT  
WITH ONE CROW, INC.  
PROJECT NO. SK0049  
SHADOWLAWN ELEMENTARY  
149 NW 49 Street, Miami, Florida**

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

The attached agenda item is being withdrawn from the March 16, 2005 agenda.

After meeting with the contractor as requested by the Facilities and Construction Reform Committee, the completion of the project by the contractor is under discussion with an agreement being finalized.

If you have any questions, please feel free to call Ms. Ofelia San Pedro, Deputy Superintendent, Business Operations, 305 995-1225.

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cc: Superintendent's Cabinet  
School Board Attorney

Business Operations  
Ofelia San Pedro, Deputy Superintendent

**SUBJECT: TERMINATION FOR CONVENIENCE OF CONSTRUCTION CONTRACT WITH  
ONE CROW, INC.  
PROJECT NO. SK0049  
SHADOWLAWN ELEMENTARY  
149 N.W. 49 Street, Miami, Florida**

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

A construction contract was awarded to One Crow, Inc. for the following project:

<u>Project No.</u>	<u>Facility</u>	<u>Awarded</u>	<u>Award Amount</u>
SK0049	Shadowlawn Elementary	May 19, 2004	\$500,000

The project scope of work calls for a New Music Suite, New Parking Area and various Safety-to-Life Improvements.

Shortly after award of the project, the Contractor encountered unforeseen subsurface soil conditions on the site. This necessitated modifications of the soils preparation work contemplated in the drawings and additional work to be performed by the Contractor. Despite the best efforts of Board's staff, the Geotechnical Consultant and the Architect, full agreement could not be reached with the Contractor regarding the scope and value of the additional soils preparation work. At this time, only the excavations for the foundations and some site electrical/plumbing work have been performed on the project.

In order to close this contract and allow the Board to expedite the completion of the work utilizing the project funds, it is requested that the Board approve this termination for convenience in accordance with Article 14.4 of the General Conditions of the construction contract. In accordance with that Article, the Board may, by written notice to the Contractor, terminate this contract in whole or in part, when it is in the interest of the Board and at the sole discretion of the Board. Article 14.4 further provides that the Contractor will be paid for all work executed, reasonable termination expenses, and a reasonable allowance for profit and overhead on the work executed.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida:

- a) exercise its right under Article 14.4 of the General Conditions to terminate for convenience the contract with One Crow, Inc. for Project No. SK0049, Shadowlawn Elementary School; and
- b) authorize the Superintendent to utilize the project funds to complete the remaining work on the project.

LA

**ITEM WITHDRAWN**

**03/15/05)**

**F - 37**