

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
GRACE AND NAEEM UDDIN, INC. v. THE SCHOOL BOARD OF
MIAMI-DADE COUNTY, FLORIDA - CASE NO. 05-13417 CA 22**

This lawsuit was served on the School Board on June 30, 2005. Grace and Naeem Uddin, Inc. ("GNU") brought this lawsuit against the School Board for payment of construction work performed at the Biscayne Nature Center.

GNU sued seeking damages in the amount of \$407,908.03, including interest plus \$205,819.00 in relief from previously assessed and withheld liquidated damages for late completion. The claims in GNU's lawsuit totaled at least \$683,727, not including attorney fees, and was composed of requests for time extensions, additional general conditions/delay damages, change orders for additional labor, materials and equipment (approximately \$113,826), relief from liquidated damages (approximately \$205,819), payment of the contract balance (approximately \$58,950) and interest.

Staff, outside consultants and the Board Attorney's office reviewed and analyzed project records and various other documents produced by the parties and, consequently, negotiations resulted after a series of meetings between staff, the Board Attorney's office, GNU and its legal counsel. The amount of \$264,769 proposed to be paid to GNU in settlement of this litigation corresponds to the balance on contract without assessment of liquidated damages. In return GNU agrees to waive all of its claims and the District retains up to \$113,826 in the value of approvable change order work.

A copy of the proposed settlement agreement will be forwarded to the Board under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the settlement in the case known as Grace and Naeem Uddin, Inc. v. The School Board of Miami-Dade County, Florida, Case No. 05-13417 CA 22, by the payment to Plaintiff of \$264,769.00.

G-3