

Business Operations
Ofelia San Pedro, Deputy Superintendent

**SUBJECT: TERMINATE AWARD CONTRACT NO. 091-GG10 –
COMMERCIAL LEASING OF PAVED-PARKING FACILITIES
AT FIENBERG/FISHER K-8 CENTER**

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

**LINK TO DISTRICT
STRATEGIC PLAN: IMPROVE CONSTRUCTION AND MAINTENANCE SERVICES**

The Board awarded this contract to Selig Parking, Inc., d.b.a. AAA Parking (AAA Parking), on August 1, 2007, for the commercial leasing of the paved-parking facilities at Fienberg/Fisher K-8 Center, located at 1424 Drexel Avenue, Miami Beach, Florida. The contract was to commence upon AAA Parking obtaining all necessary licenses, permits, use approval or other approval(s), as required by the City of Miami Beach, Florida (City).

In late January 2008, following the expiration of the existing leasing arrangement, AAA Parking applied for a license with the City to operate the parking lot, which is one of the conditions of the lease agreement. As part of this process, the City inspected the parking lots and issued an extensive list of deficiencies to be corrected before a license would be issued to AAA Parking or any other parking vendor at this site. Because some of the City's requested improvements were cost prohibitive, District staff met with the City's staff and sent a formal written request to the City, in an effort to reduce the number of deficiencies that needed to be corrected. District staff, including the school principal, agreed to correct specific items, and after securing the City's Agreement, the District proceeded to correct most of the deficiencies in the revised list. The parking lots were re-inspected by the City in May 2008, and approximately five items remained to be corrected.

The lease with AAA Parking specifically states that any improvements required as a precondition to licensing are to be at the tenant's expense. However, the requirements of the City exceeded expectations of the District. AAA has advised, in writing, that they are not able to fund the improvements to the parking facilities and that since the property has been closed to the public for many months, due to the City's requirements, regular and potential patrons have found alternative parking accommodations.

Given the circumstances above, staff has determined that it would be in the best interest of the District to terminate this contract, as the excessive municipal requirements constitute a *force majeure* as set forth in the contract. The recommendation reflects that the Board will not implement the prescribed default provision, as noted in Board Rule 6Gx13- 3C-1.08 – Performance And Payment Security, Declining A Bid Award, And Bonding Company Qualifications, inasmuch as the awarded vendor was not at fault.

Fund Source

No Cost Contract

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

1. **TERMINATE** Contract No. 091-GG10 – COMMERCIAL LEASING OF PAVED-PARKING FACILITIES AT FIENBERG/FISHER K-8 CENTER, effective August 4, 2008, as follows:

SELIG PARKING, INC.
D.B.A. AAA PARKING
1100 SPRING STREET N.W., SUITE 800
ATLANTA, GA 30308
OWNER: MASON MEHRJERDIAN
EXECUTIVE VICE PRESIDENT

2. Not implement the prescribed default provision, as noted in Board Rule 6Gx13- 3c-1.08 – Performance And Payment Security, Declining A Bid Award, And Bonding Company Qualifications, on Selig Parking, Inc., d.b.a. AAA Parking, of Atlanta, Georgia, since they were not at fault.

OSP/ae