

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

SUBJECT: TERMINATION OF AGREEMENTS WITH SOUTH FLORIDA CONSTRUCTION SERVICES, INC., FOR CONVENIENCE, AS CONSTRUCTION MANAGEMENT AT-RISK FIRM FOR DEFERRED MAINTENANCE PACKAGE #26, GENERAL REPAIRS AND REHABILITATION AT BISCAYNE GARDENS ELEMENTARY SCHOOL, PROJECT NO. A01023 AND DEFERRED MAINTENANCE PACKAGE #30, RENOVATIONS, MAINTENANCE AND REPAIRS AT MARTIN LUTHER KING ELEMENTARY SCHOOL, PROJECT NO. 00260900

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES

South Florida Construction Services, Inc., (SFCS) was commissioned by the Board on June 14, 2006 for Deferred Maintenance Package #26, General Repairs and Rehabilitation at Biscayne Gardens Elementary School, Project No. A01023 and on September 13, 2006 as Construction Manager at-Risk (CM at-Risk) to perform pre-construction services for Deferred Maintenance Package #30 at Martin Luther King Elementary School, Project No. 00260900.

During the pre-construction phase of the project, SFCS and its Surety indicated that the Performance and Payment Bonds required under the agreement for the construction phase would not be available when needed. On December 4, 2008, the District issued a Notice of Recommendation for Termination to SFCS. In response, SFCS asserted that it was not able to supply the required bonds due to reasons beyond its control. Pursuant to recent negotiations between staff and SFCS, the parties have agreed to the following conditions of a Termination for Convenience which will resolve all disputes and avoid potential litigation, pending approval by the Board:

1. SFCS will forgo payment for any and all services it may have performed to date in connection with the subject projects;
2. The terms and conditions of termination for convenience stated herein shall take precedence over, act as full satisfaction of, and supersede anything in the Construction Manager at-Risk Agreement that may be contrary thereto; and
3. Upon termination of the agreements, SFCS and the Board agree to release each other from any and all claims and liability that arise out of or otherwise relate to the contracts.

Staff will prepare a recommendation for a CM at-Risk replacement firm at a later date.

Principal

The Principal/Owner designated to be directly responsible to the Board for South Florida Construction Services, Inc. is Jerry Gillman. This firm is located at 828 South Dixie Highway, Hallandale, Florida 33009.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, terminate the Construction Management at-Risk Agreements for convenience with South Florida Construction Services, Inc., for Deferred Maintenance Package #26, General Repairs and Rehabilitation at Biscayne Gardens Elementary School, Project No. A01023 and Deferred Maintenance Package #30, Renovations, Maintenance and Repairs at Martin Luther King Elementary School, Project No. 00260900 pursuant to the conditions stipulated in the body of the agenda item.

NAD:CC:cc