

Office of School Board Attorney
Walter J. Harvey, Board Attorney

SUBJECT: PROPOSED SETTLEMENT AGREEMENT- CRISAL CONSTRUCTION COMPANY, INC. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, CASE NO. 10-32163 CA 5; ASSOCIATED WITH SCHOOL BOARD CONSTRUCTION PROJECTS AT GLADES MIDDLE, PROJECT NO. A0499, ROCKWAY ELEMENTARY, PROJECT NO. A-0528, AND VINELAND ELEMENTARY, PROJECT NO. A0534

Crisal Construction Company, Inc. ("Crisal"), entered into contracts with the School Board for construction projects at Glades Middle School, Project No. A0499, Vineland Elementary, School, Project No. A0524 and Rockway Elementary School, Project No. A0538 (hereinafter collectively referred to as the "Projects"). On June 8, 2010, Crisal sued the School Board alleging entitlement to \$55,000.00 for non-payment of contract balances on the Projects plus interest, costs, and attorney's fees.

The parties have agreed to a tentative proposed settlement of the claims conditioned upon approval by the School Board. Approval of the proposed settlement will result in (1) payment to Crisal in the amount of \$46,500.00 from available contract balances on the Projects, (2) the School Board will retain \$11,341.30 of the remaining contract balances on the Projects, and (3) Crisal agrees to dismiss with prejudice all claims against the School Board related to the Projects. The proposed settlement accounts for recovery by the School Board of the construction costs incurred by the School Board for the completion of work not completed by Crisal on all three projects, including a credit change order in the amount of \$14,450.00 for incomplete punch list work at Glades Middle that was previously approved by the School Board, close-out work performed by others at Rockway Elementary, and minor close-out work remaining to be completed at Vineland Elementary.

This settlement is recommended as being in the best interest of the Board given the consideration of the information which has been developed through this litigation. The School Board Attorney's office and administrative staff agree with this recommendation. A copy of the Settlement Agreement will be provided to the Board under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the proposed settlement agreement in the case of *Crisal Construction Co., Inc. v. The School Board of Miami-Dade County, Florida*, Case No. 03-12504 CA 13, authorize payment in the amount of \$46,500.00 in the manner prescribed herein and as more fully described in the Settlement Agreement, and approve the Settlement Agreement and Release.