

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

**SUBJECT: PROPOSED OFFER OF JUDGMENT:
SKANSKA USA BUILDING, INC. v. SCHOOL BOARD OF MIAMI-DADE
COUNTY, FLORIDA, SILVA ARCHITECTS, LLC, and ROLANDO
SILVA, CIRCUIT COURT CASE NO. 09-43426 CA 24 [ASSOCIATED
WITH SCHOOL BOARD PROJECT NO. 00223400 - HOLMES
ELEMENTARY SCHOOL];**

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

On March 15, 2006, Skanska USA Building, Inc. ("Skanska") was commissioned by the School Board as Construction Manager At Risk to perform pre-construction services for Holmes Elementary School, Project No. 00223400. On June 14, 2006, the School Board approved the Guaranteed Maximum Price contract for the construction of the project. On June 8, 2009, Skanska sued the School Board alleging, among other things, breach of contract by the School Board and seeking \$8,700,000 in damages.

This item recommends that the Board authorize the School Board Attorney, pursuant to the Florida Rules of Civil Procedure, to make an offer of judgment in an amount not to exceed two-hundred thousand (\$200,000) in the case of *Skanska USA Building, Inc. v. School Board of Miami-Dade County, Florida, Silva Architects, LLC, and Rolando Silva*, Circuit Court Case No. 09-43426 CA 24. This offer of judgment would be served by the outside counsel retained to represent the Board in this case.

This offer of judgment 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.

This item does not appear in the regular agenda. There is good cause to vary from the published agenda because of issues relating to costs, attorney's fees, and pending deadlines with the Court.

RECOMMENDED: Authorize the School Board Attorney to make an offer of judgment in an amount not to exceed two-hundred thousand dollars (\$200,000) in the case of *Skanska USA Building, Inc. v. School Board of Miami-Dade County, Florida, Silva Architects, LLC, and Rolando Silva*, Circuit Court Case No. 09-43426 CA 24.

GOOD CAUSE
G-5