

MEMORANDUM

February 9, 2011

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools *AMC*

SUBJECT: MUNILLA CONSTRUCTION MANAGEMENT v. MIAMI-DADE COUNTY SCHOOL BOARD, et al; Case No. 10-009432

At the request of Mr. Walter J. Harvey, School Board Attorney, the attached Agenda Item G-1 is being withdrawn from the February 9, 2011 Agenda for further consideration and will be presented at the March 9, 2011 Board meeting.

AMC:mm
M762

Attachment

Cc: School Board Attorney
Superintendent's Cabinet

Office of Superintendent of Schools
Board Meeting of February 9, 2011

January 25, 2011

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

**SUBJECT: AUTHORIZATION TO RECOVER LEGAL FEES AND COSTS IN THE
CASE OF MUNILLA CONSTRUCTION MANAGEMENT v. MIAMI-DADE
COUNTY SCHOOL BOARD - DOAH Case No. 10-009432 BID**

On October 4, 2010, a petition was filed with the Division of Administrative Hearings for a formal hearing regarding a bid protest by Munilla Construction Management ("MCM"), protesting the awarding of an Invitation to Bid on Project No. A0101303 to Betancourt Castellon Associates ("BCA"). The invitation to Bid solicited bids for a Phase IV construction project at Miami Central Senior High School for a new facility, renovation, and remodeling and site improvement.

On November 8, 2010, a hearing was held before Administrative Law Judge, Honorable Edward J. Bauer. Subsequent to the hearing, but prior to Judge Bauer issuing a formal ruling, Petitioner, MCM, filed a Notice of Voluntary Dismissal, abandoning its Formal Bid Protest. Pursuant to MCM filing of its dismissal, Judge Bauer entered an order closing the matter with the Division of Administrative Hearings and relinquished jurisdiction back to the School Board.

Throughout this litigation, legal fees and costs were expended in the defense of the claims of MCM against the School Board. The School Board seeks to recover the sum of \$2,175.00 in costs and \$43,330.80 in attorney's fees within thirty (30) days of the School Board's Final Order, or the amount shall be deducted from the bond posted by Munilla Construction Management.

A copy of the Final Order is being furnished to the Board under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida enter an Order recovering from Munilla Construction Management the following amounts: \$2,175.00 for costs and \$43,330.80 in attorney's fees.

WITHDRAWN

G-1

(February 9, 2011)