

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

**SUBJECT: APPROVAL OF PROPOSED SETTLEMENT:  
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. M.A.P.  
CONSTRUCTION ENTERPRISES, INC., ET AL. - CASE NO. 07-33018  
CA 11 (ASSOCIATED WITH SOUTHWEST MIAMI SENIOR HIGH  
SCHOOL, PROJECT NO. A0433)**

This matter involves a settlement of litigation of claims asserted by the School Board against M.A.P. Construction Enterprises, Inc. (MAP), Gili-McGraw Architects, LLP (Gili-McGraw) and Spillis, Candela, DMJM (Spillis), arising out of contracts entered into between The School Board of Miami-Dade County, Florida ("Board") and each of the aforementioned parties.

**BACKGROUND:**

On March 19, 1997, the Board awarded MAP the construction contract for Project No. A0433 at Southwest Miami Senior High School. MAP was the construction contractor, Gili-McGraw was the architect/engineer and Spillis was the code compliance firm responsible for plan reviews and inspections on the project. Approximately five years after substantial completion of the project, a plaster soffit constructed as part of the ceiling in the media center failed and caused other damage to the interior of the media center. On October 5, 2007, the Board filed a lawsuit against the contractor, architect/engineer and code compliance firm to recover the Board's repair and replacement costs. The Board alleged in its lawsuit that the cause of the failure of the plaster soffit was a latent defect in the design and construction of the soffit. While the architect/engineer and code compliance firm are still operating businesses, the construction contractor company, MAP, has been dissolved.

Revised

**PROPOSED SETTLEMENT:**

A proposed settlement of the Board's claims has been agreed to by the parties pending approval by the Board. Upon approval of the proposed settlement by the Board, MAP, Gili-McGraw, through its insurance carrier, and Spillis, will pay the Board the total amount of \$25,000.00 to resolve the Board's claims against the parties associated with the failure of the soffit in the media center. The parties shall also execute general releases related to the Southwest Miami Senior High School, Project A0433.

**REVISED  
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The School Board Attorney's office and administrative staff agree with this recommendation as being in the best interest of the Board. A copy of the Settlement Agreement will be made available under separate cover prior to the Board meeting of March 9, 2011.

Revised

Throughout this litigation, the Board was represented by in-house attorneys in the School Board's Attorney's office, and no legal fees were expended in the prosecution of the Board's claims.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, approve the proposed Settlement Agreement in the case of *The School Board of Miami-Dade County, Florida v. MAP Construction Enterprises, Inc., et al-* Case No. 07-33018 CA 01 (associated with Southwest Miami Dade Senior, Project A0433).