

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

**SUBJECT: REQUEST APPROVAL OF PROPOSED SETTLEMENT AGREEMENT:
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. HADP
ARCHITECTURE, INC., f/k/a HARPER PARTNERS, INC., CASE NO.
11-07574 CA 23 (ASSOCIATED WITH ADDITIONS, REMODELING
AND RENOVATIONS TO GEORGE T. BAKER AVIATION SCHOOL,
PROJECT A0793**

This matter involves a settlement of litigation arising out of a contract for professional architectural and engineering services for Additions, Remodeling and Renovations at George T. Baker Aviation School, Project A0793 (the "Project").

BACKGROUND

The School Board at its meeting of February 9, 2011, authorized the School Board Attorney's Office to file a lawsuit against Harper Partners, Inc. (now known as HADP Architecture, Inc.). On or about March 10, 2011, the School Board filed the above-referenced lawsuit against the architectural/engineering firm (A/E) of HADP Architecture, Inc. ("HADP"), alleging HADP's failure to properly perform its contractual obligations under an agreement entered into between HADP and the School Board on July 19, 2000. The lawsuit sought recovery from the A/E of additional costs the School Board had paid for change orders on the project due to errors and omissions in the construction documents prepared by the A/E and due to the A/E's improper administration of the construction contract. On June 6, 2006, the Office of School Facilities had initially put HADP on notice of the School Board's intent to recover these additional costs from the A/E and withheld any further payments to the A/E. Subsequent to the filing of the lawsuit, the A/E filed a counterclaim against the School Board for the remaining contract balance held by the School Board on the project.

PROPOSED SETTLEMENT

On September 22, 2011, formal mediation of the matter was held and the parties entered into a settlement conditioned upon approval by the School Board. Upon approval of the settlement by the Board: (1) HADP, through its insurance carrier, will pay the School Board the amount of \$125,000.00 in full resolution of the School Board's claims against HADP; and (2) The School Board will pay HADP the amount of \$2,500 in full resolution of HADP's counterclaim against the School Board for the unpaid balance on the A/E services agreement for the project. The School Board will retain the remaining balance on the A/E services agreement in the approximate amount of

\$8,190.00, which results in an overall settlement value of approximately \$133,190 in favor of the School Board.

The Board Attorney's office and administrative staff agree with this recommendation. A copy of the Settlement Agreement will be made available under separate cover prior to the Board meeting of October 19, 2011.

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. HADP Architecture, Inc. f/k/a Harper Partners, inc.*, Case No. 11-07574 CA 23.