

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

SUBJECT: PROPOSED SETTLEMENT AGREEMENT

**SETTLEMENT OF CLAIMS BY THE SCHOOL BOARD OF MIAMI-
DADE COUNTY, FLORIDA AGAINST LAURA M. PEREZ &
ASSOCIATES (ASSOCIATED WITH HENRY FILER MIDDLE PROJECT
NO. 00339900)**

This matter involves a settlement of litigation claims by the School Board against Laura M. Perez & Associates (LMPA) for claims arising out of kitchen renovations and an HVAC replacement project at Henry Filer Middle School. The District sought to seek to recover approximately \$67,000.00 in excess costs to correct a deficiency in LMPA's design of the HVAC system in the school's kitchen.

On December 15, 2010, the School Board authorized the filing of a lawsuit against LMPA. Since then, the parties have communicated concerning the deficiencies, prepared a design for modifications to the HVAC to address the deficiencies, and held settlement discussions.

The parties have negotiated a proposed settlement of the School Board's claims, pending approval by the Board. Upon approval of the proposed settlement by the Board, LMPA shall hire a contractor approved by the District to perform modifications of the HVAC system at Filer Middle School in accordance with an agreed redesign of the HVAC system. LMPA has agreed to pay all costs associated with the modifications of the HVAC at the Project, including but not limited to the costs of redesign, demolition, and modifications, except for \$5,558.50 to be contributed by the School Board upon completion, representing the agreed-upon value of the increased HVAC capacity omitted from the original design and a sharing of the costs to test and balance the HVAC system. The corrective work will be completed within one-hundred and twenty days.

The School Board Attorney's office and administrative staff agree with this recommendation as being in the best interests of the Board. A copy of the Settlement Agreement will be made available under separate cover prior to the Board meeting of January 16, 2013.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve and execute the Settlement Agreement with Laura M. Perez & Associates.