

Office of Superintendent of Schools
Board Meeting of May 8, 2013

April 18, 2013

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 BETANCOURT, CASTELLON & ASSOCIATES, INC. (ASSOCIATED WITH SOUTH DADE MIDDLE PROJECT NO. A01029)

This matter involves a settlement of pre-litigation claims by the School Board against Betancourt, Castellon & Associates, Inc. (BCA) for issues arising out of the demolition, removal and remediation of defectively designed/constructed soffits at South Dade Middle School. The Board made demand upon BCA for approximately \$68,600.00 in costs incurred to perform the emergency work associated with demolishing and removing the defective soffits. In addition, the Board demanded that BCA remediate and reconstruct the defective soffits.

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, BCA will pay to the Board the sum of \$68,637.00, representing the cost of the emergency work necessary to demolish and remove the defective soffits. In addition, BCA agreed to correct all deficiencies related to the defective soffits, which work has already been completed.

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 May 8, 2013.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve and execute the Settlement Agreement with Betancourt Castellon & Associates, Inc.