

Business Operations
Joe Arriola, Chief Business Officer

SUBJECT: APPROVAL OF ASSIGNMENT OF OUTSIDE COUNSEL TO ADDRESS CLAIM, BOARD COUNTER-CLAIM, DIRECT AND DOCUMENT LEGAL ASPECTS OF CORRECTIVE ACTION, HIALEAH MIDDLE/AMELIA EARHART

The renovation/addition project at Amelia Earhart was awarded by The Board December 11, 1996 to Allstar Builders Corp. and completed in 2000. A preliminary claim of approximately \$400,000.00 was filed by the Contractor in September of 2000. Prolonged negotiations and requests by The Board for additional information regarding the preliminary claim were unsuccessful. The Board in late 2001 issued work orders to consultants to thoroughly review the design and construction of the project in preparation for defending the pending claim and litigation.

As investigation has proceeded, significant deficiencies have been identified. The correction of same is necessary for the proper functioning of the buildings and programs at the school. It is impossible to judge the full extent and cost of corrective work until additional testing and investigation is conducted, but it appears likely that the cost of same may well exceed the remaining contract balance for the project. Given the Contractor's claim, Contractor's employment of outside counsel, the need on the part of The Board to make repairs and corrections as soon as possible, and the likelihood of litigation instituted either by the Contractor or The Board, staff is requesting assignment of outside counsel to ensure proper documentation and necessary procedural issues are maintained to preserve The Board's legal position.

The Board Attorney's office has been consulted and is in agreement that the firm of Tew, Cardenas, Rebak, Kellogg, Lehman, DeMaria, Tague, Raymond & Levine, L.L.P. be authorized by The Board to represent The Board in this matter. As no formal lawsuit has been filed at this time, direct assignment to the firm of Tew, Cardenas, et al is not within the purview of the Board Attorney's office, although this is a firm which has previously been approved by The Board for assignment of such cases.

RECOMMENDED: That The School Board of Miami-Dade County, Florida authorize the Superintendent to assign the firm of Tew, Cardenas, et al to represent The Board in the above styled matter.

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