

Office of Superintendent of Schools
Board Meeting of July 10, 2002

July 8, 2002

Office of School Board Attorney
Johnny Brown, Board Attorney

**SUBJECT: MIAMI NORTHWESTERN SENIOR HIGH SCHOOL
AUTHORITY TO FILE SUIT AGAINST PROJECT ARCHITECT**

During the course of litigation with the Contractor for the Miami Northwestern Senior High School project, it was discovered that claims may exist against the Project Architect for inadequate design, contract administration and failure to properly perform inspections. As a result, staff has determined that the project is faced with substantial repair costs, some of which are life safety issues. The administrative staff and the Board's outside counsel have assessed potential claims against the Project Architect. The Project Architect was invited to enter into informal settlement discussions to possibly reach amicable resolution of these potential claims. Additionally, a tolling agreement was created because of the statute of limitations period for claims of this nature. The tolling agreement expires August 1, 2002.

Time is of the essence in this matter, and due to the upcoming expiration of the tolling agreement, and considering that settlement negotiations have stalled, the Board's outside counsel has recommended that a complaint be prepared and filed before August 1, 2002. It is therefore requested that the Board authorize the Board Attorney's Office to direct outside counsel to proceed with filing and prosecuting a lawsuit against the Project Architect, Wolfberg, Alvarez & Partners, in order to protect the Board's interests in this matter.

This item was not published in the regular agenda. There is good cause to vary from the agenda because of the upcoming expiration of the tolling agreement on August 1, 2002.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the filing of a lawsuit against the Project Architect, Wolfberg, Alvarez & Partners, to recover damages incurred by the Board arising from the Project Architect's breach of contract and other appropriate claims related to the design and construction of Miami Northwestern Senior High School.

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