

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT:       REQUEST FOR AUTHORIZATION TO CONTRACT WITH OUTSIDE  
                  FIRMS FOR LEGAL SERVICES REQUIRED FOR THE WATER  
                  INTRUSION MOLD AND MILDEW ACTION PLAN**

**COMMITTEE: FACILITIES MANAGEMENT**

The Facilities, Operation, Maintenance and Planning Department is in need of highly specialized legal services associated with its Action Plan to address water intrusion, mold and mildew problems at selected school sites throughout the District. The intent of the services is to identify and verify design and construction defects, to ascertain all available legal remedies that can be asserted against any potentially responsible party, and to provide an appropriate protocol for addressing needed repairs while preserving the Board's right to seek appropriate legal redress.

Proposals were requested of three local law firms that have a specialty in construction litigation. After reviewing the proposals and conducting interviews, the Board Attorney is recommending two highly reputable law firms for Board approval: Holland & Knight L.L.P., a national law firm with expertise in the area of design and construction defects, as well as mold and mildew problems, and Tew Cardenas Rebak Kellogg Lehman DeMaria Tague Raymond & Levine, L.L.P., which currently represents the Board in construction litigation and has specific expertise and extensive experience in these areas. A copy of each firm's proposal will be submitted to the Board under separate cover.

As an initial pilot project the administration has advised that each firm will be assigned two schools with substantial water intrusion problems that may have resulted from design or construction defects. The scope of services for these firms will require a detailed and extensive review of construction documents and work performed at each school in order to determine if there are any potentially responsible parties that may be liable for damages. Also, the firms will assist the district in establishing a protocol to resolve these water intrusion issues while protecting the District's right to seek legal redress.

The lump sum costs of these services, excluding litigation, will not exceed \$80,000 per school, inclusive of attorneys' and consultants' fees and costs.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida:

(1) employ the law firms of Holland & Knight L.L.P., and Tew Cardenas Rebak Kellogg Lehman DeMaria Tague Raymond & Levine, L.L.P, to provide legal services in selected cases dealing with water intrusion and related problems at certain schools for the lump sum compensation not to exceed \$80,000 for each school, and

(2) authorize the Board Attorney to direct the firms to pursue any available legal remedies, including litigation, against any party deemed responsible for damages from design and construction defects.

JB/lmg