

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

SUBJECT: TERMINATION OF THE AGREEMENT WITH BERGER AVART, INC., WITHOUT CAUSE, AS ARCHITECT/ENGINEER OF RECORD FOR DEFERRED MAINTENANCE PROJECT PACKAGE #19, RENOVATIONS, MAINTENANCE AND REPAIRS AT SUNSET ELEMENTARY SCHOOL PROJECT No. 00261700

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

**LINK TO
STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES**

On February 15, 2006, the Board commissioned Avart, Inc. as Architect/Engineer (A/E) of Record for Deferred Maintenance Project Package #19, Renovations, Maintenance and Repairs at Sunset Elementary School, Project No. 00261700.

On June 13, 2007, the Board approved an amendment to the Agreement to reflect the firm's name change and transfer all contractual obligations to Berger Avart, Inc. (Berger Avart).

Berger Avart completed the Scope Validation phase of the A/E services. However, because there is a new, two-story modular project currently under construction at this facility, staff considers that it would be in the best interest of the District to assign this scope of work to the same A/E and CM at-risk firms currently on-site and constructing the modular addition. Potential conflicts in the work and disruption to school operations would be minimized by having firms familiar with the existing conditions coordinate any work which might overlap between projects (e.g., utilities, exterior painting, etc.).

Per Article XIII of the Agreement, the Board may terminate the Agreement, with or without cause, at any time, upon 30 days written notice to the A/E. On February 11, 2009, a Notice of Recommendation for Termination, without cause, of the Agreement was sent to Berger Avart, Inc. This action is in no way intended as a negative reflection on the services performed by Berger Avart.

Negotiations with Berger Avart to close out the Agreement were successfully concluded. No payments beyond the Scope Validation Phase are due to Berger Avart.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, terminate the Agreement with Berger Avar, Inc., without cause, as Architect/Engineer of Record for Deferred Maintenance Project Package #19, Renovations, Maintenance and Repairs at Sunset Elementary School, Project No. 00261700, as follows:

- 1) at the convenience of the Board; and
- 2) with written notification of this action to the A/E.

NAD:SGG:sgg