

Office of School Board Attorney  
Luis M. Garcia, Interim School Board Attorney

**SUBJECT: REQUEST APPROVAL OF PRE-LITIGATION SETTLEMENT AGREEMENT BETWEEN TURNER CONSTRUCTION COMPANY AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA (ASSOCIATED WITH VARIOUS SCHOOL BOARD PROJECTS FOR DISTRICT-WIDE SAFETY TO LIFE PROJECTS)**

This is a proposed settlement to resolve disputed issues prior to threatened litigation by Turner Construction Company ("Turner"), related to the district-wide Safety to Life Projects. On various dates, the School Board awarded contracts to Turner whereby Turner was to perform necessary work to ameliorate safety to life issues at thirty-two schools throughout the school district.

Certain issues arose regarding work asserted by Turner to be additional to, and that allegedly went beyond that required in the original contract with Turner involving several of the school sites. Although the District recognized the validity of certain of the claims, others were contested. As a result of the disputed claims, Turner threatened to file a lawsuit to enforce its rights to the contested items and to present additional potential claims. In an effort to amicably resolve these issues, and to avoid protracted and costly litigation, three of the thirty-two schools that are the subject of this dispute were reviewed: Hialeah Miami Lakes Senior High School, Miami Springs Senior High School and Miami Senior High School. After this review, the parties were able to reach agreement which, while being tied directly to the three schools reviewed, will fully resolve all claims and potential claims as well as some approved contingency adjustments on all of the projects.

The proposed settlement resolves all issues regarding pending contingency adjustments and claims that would have been litigated in the threatened suit between the parties. As part of this settlement, the School Board will pay to Turner the sum of Four Hundred Eighty-Two Thousand, Five Hundred Forty-Six Dollars (\$482,546.00), which represents agreed sums for pending contingency adjustments, as well as some of the contested claims arising from all of the projects involving Turner.

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Based upon a full examination of the relevant facts and law applicable to this matter, it is our opinion that settlement of the disputed claims would be in the best interests of the School Board. Administration is in agreement with this recommendation and the proposed settlement. A copy of the proposed settlement agreement will be provided to the School Board under separate cover.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida approve the proposed settlement according to the terms set forth herein and authorize the Superintendent to enter into a Settlement Agreement with Turner Construction Company, and payment of the sum of Four Hundred Eighty-Two Thousand, Five Hundred Forty-Six Dollars (\$482,546.00) to Turner Construction Company as full and final settlement of all claims.