

Office of School Board Attorney  
Walter J. Harvey, Board Attorney

**SUBJECT: REQUEST APPROVAL OF PROPOSED SETTLEMENT AGREEMENT  
BETWEEN MUNILLA CONSTRUCTION MANAGEMENT v. MIAMI-DADE  
COUNTY SCHOOL BOARD - DOAH Case No. 10-009432 BID**

Revised

On October 4, 2010, a petition was filed with the Division of Administrative Hearings for a formal hearing regarding a bid protest by Munilla Construction Management ("MCM"), protesting the award of an Invitation to Bid on Project No. A0101303 to Betancourt Castellon Associates ("BCA"). The invitation to Bid solicited bids for a Phase IV construction project at Miami Central Senior High School for a new facility, renovation, and remodeling and site improvement.

On November 8, 2010, a hearing was held before Administrative Law Judge, Honorable Edward J. Bauer. Subsequent to the hearing, but prior to Judge Bauer issuing a formal ruling, Petitioner, MCM, filed a Notice of Voluntary Dismissal, abandoning its Formal Bid Protest, and thereby designating the School Board as prevailing party under Section 255.0516, Fla. Stat. Judge Bauer entered an order closing the matter with the Division of Administrative Hearings and relinquished jurisdiction back to the School Board.

Deleted

The parties have agreed to a proposed settlement conditioned upon approval by the School Board. Approval of the proposed settlement will result in payment by MCM to the School Board in the amount of \$25,000.00. The proposed settlement accounts for recovery of attorney's fees and costs incurred by the School Board in defense of claims made by MCM against the School Board. A copy of the proposed settlement agreement will be provided to the Board under separate cover.

Added

This settlement is recommended as being in the best interest of the Board. The School Board Attorney's office and administrative staff agree with this recommendation

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida approve the proposed Settlement Agreement between Munilla Construction Management v. Miami-Dade County School Board - DOAH Case No. 10-009432 BID.

Revised

**REVISED  
G-1**

