

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

**SUBJECT: APPROVAL OF PROPOSED SETTLEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. MAP
CONSTRUCTION ENTERPRISES, INC., ET AL - CASE NO. 07-33018
CA 11 (ASSOCIATED WITH SOUTHWEST MIAMI SENIOR HIGH
SCHOOL, PROJECT NO. A0433)**

This matter involves a settlement of litigation that involved multiple claims alleged by the School Board against MAP Construction Enterprises, Gili-McGraw Architects, LLP and Spillis, Candela, DMJM, arising out of a contract entered into between the School Board and MAP Construction Enterprises on March 19, 1997.

BACKGROUND:

The School Board sought the recovery of its repair and replacement costs associated with the collapse of a soffit in the media center at Southwest Miami Senior High School. MAP. Construction Enterprises, Inc. was the contractor, Gili-McGraw Architects, L.L.P. was the architect and Spillis, Candela, DMJM had the responsibility for plan reviews and construction inspections for building code compliance on Project, A0433 at the school.

Throughout this litigation, the School Board was represented by in-house attorneys in the School Board's Attorney's Office, and no legal fees were expended in the defense of claims and the prosecution of the School Board's claims.

PROPOSED SETTLEMENT:

Upon approval of the settlement by the Board, Gili-McGraw Architects, L.L.P., through its insurance carrier, will pay the School Board the amount of \$13,500.00 to resolve the Board's claims against the Architect related to the repair and replacement costs associated with the soffit collapse. The parties shall also execute general releases related to the Southwest Miami Senior High School Project.

The School Board shall continue its litigation efforts against M.A.P. Construction Enterprises, Inc. and Spillis Candela, DMJM for additional costs associated with the collapsed soffit.

The Board Attorney's office and administrative staff agree with this recommendation as being in the best interests of the School Board. A copy of the Settlement Agreement will be made available under separate cover prior to the Board meeting of March 9, 2011.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, approve the proposed Settlement Agreement in the case of *The School Board of Miami-Dade County, Florida v. MAP Construction Enterprises, Inc., et al* - Case No. 07-33018 CA 01 between Gili-McGraw Architects, L.L.P. and the School Board.