

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

**SUBJECT: TERMINATION OF AGREEMENT FOR CONVENIENCE WITH KALEX
CONSTRUCTION & DEVELOPMENT, INC. (KALEX) AND
SETTLEMENT OF CLAIMS (ASSOCIATED WITH PROJECTS AT
ROBERT RENICK EDUCATIONAL CENTER, FULFORD
ELEMENTARY, W.J. BRYAN ELEMENTARY AND RUTH K.
BROAD/BAY HARBOR K-8 CENTER)**

On August 7, 2013, the Board commissioned Kalex for Construction Management At-Risk Miscellaneous services for projects with construction values up to \$2 million under a continuing contract agreement. Subsequently, Kalex was issued work orders for pre-construction services on four projects: 1) Robert Renick Educational Center; 2) Fulford Elementary School; 3) W.J. Bryan Elementary School; and 4) Ruth K. Broad/Bay Harbor K-8 Center.

In mid-2014, as part of Kalex's submittal of its Contractor Prequalification Application (Application), questions arose as to the Application's accuracy. At that point, the District and Kalex had negotiated and executed two Guaranteed Maximum Price Amendments (GMP) for the GOB projects at Robert Renick Educational Center and Fulford Elementary School. GMP for the other two projects had not yet been executed.

On February 20, 2015, District staff sent Kalex a notice of termination for convenience the work orders for the W. J. Bryan and Ruth K. Broad projects. Additionally, District staff and Kalex have agreed to terminate the Fulford Elementary and Robert Renick Educational Center projects, and enter into a proposed settlement agreement thereby amicably resolving all pending issues.

The School Board's Attorney's office and District staff agree with this recommendation as being in the best interest of the Board. A copy of the settlement agreement will be provided to the Board under separate cover prior to the Board meeting of July 15, 2015.

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

- (i) terminate for convenience, the Agreement with Kalex Construction & Development, Inc.; and
- (ii) authorize the Superintendent or his designee to approve and execute the Settlement Agreement with Kalex Construction & Development, Inc.