

Office of Superintendent of Schools
Board Meeting of December 6, 2017

November 20, 2017

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

SUBJECT: PROPOSED SETTLEMENT AGREEMENT

**SETTLEMENT OF SUFFOLK CONSTRUCTION COMPANY, INC. V.
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, CIRCUIT
CASE NO. 2017-008709 CA 24**

This matter involves a settlement of all claims in connection to Suffolk Construction Company, Inc. v. The School Board of Miami-Dade County, Florida, Case No. 2017-008709 CA 24.

On April 11, 2017, Suffolk Construction Company, Inc., filed a lawsuit against The School Board of Miami-Dade County, Florida. The Complaint alleged, amongst other things, that as of date, the School Board has failed and willfully refused to:

- (i) close out an agreement entered into on or about April 13, 2005, for the construction of the Additions, Remolding and Renovations Project at Miami Beach Senior High School Project Number A07795. Suffolk seeks damages for alleged multiple breaches of contract in the amount of \$129,132.07, exclusive of interest, attorney's fees and costs; and
- (ii) close out an agreement entered into on or about May 18, 2005, for the construction of the State School BBB-1 North Miami Senior High School Replacement Project Number A011015. Suffolk seeks damages for alleged breach of contract in an amount of \$494,994.36, exclusive of interest, attorney's fees and cost.

This Agenda Item amicably resolves all issues between the parties surrounding the work performed by Suffolk Construction Inc. on Miami Beach Senior High School Project Number A07795 and State School BBB-1 North Miami Senior High School Replacement Project Number A011015.

As a result of this settlement agreement, the School Board shall pay Suffolk the total principal amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) representing the negotiated settlement between the Parties for settlement of all claims of Suffolk for contract balance, retainage, change orders, delays, extras, extended costs, acceleration

and any other damages incurred by Suffolk concerning the MBSRHS Project and BBB-1 Project.

The School Board Attorney's office and administrative staff agree with this recommendation as being in the best interests of the Board. A copy of the Settlement Agreement will be made available under separate cover prior to the Board meeting of December 6, 2017.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve and execute the Settlement Agreement with Suffolk Construction Company Inc.