



## Legislation Details (With Text)

**File #:** 1920883  
**Type:** Resolution  
**Status:** Agenda Ready  
**File created:** 12/10/2019  
**In control:** School Board  
**On agenda:** 12/17/2019  
**Final action:**  
**Title:** Approval of Settlement Agreement with Biltmore Construction Co., Inc.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. PKS Settlement Agreement Executed by BCC

Date	Ver.	Action By	Action	Result
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### TITLE

Approval of Settlement Agreement with Biltmore Construction Co., Inc.

### BACKGROUND INFORMATION

The Plantation Key School construction project experienced delays in meeting key contract deadlines which resulted in direct cost overages to the School Board in the form of additional invoices for architectural services provided by Zyscovich. As the Construction Management Agreement between Biltmore and the School Board contains provisions that may have permitted the assessment of liquidated damages for these delays, Biltmore has agreed to assume responsibility for all known cost overages to the School Board that resulted from these delays. The total amount of all invoices already paid by the School Board will be withheld from the remaining contract balance, and the attached settlement agreement acts as a release of liability for any remaining overage costs that might still be owed by the School Board for this project. In exchange, the School Board would agree to release Biltmore from claims for liquidated damages based on the project delays.

### BUDGET INFORMATION

Item Budgeted? N/A  
Total Cost: \$N/A  
Budget Coding: N/A  
Requisition Attached? No

### CONTRACT INFORMATION

Contract with: Biltmore Construction Co., Inc.  
Contract value: N/A  
Budget coding: N/A

Contract Purpose / Description: Settlement of outstanding dispute with Biltmore Construction Co., Inc. regarding delays on completion of Plantation Key School construction project

Contract Originator: Patrick Lefere, Operations

Board Meeting Date: December 17, 2019

**RECOMMENDATION**

Approval of Settlement Agreement with Biltmore Construction Co., Inc.