

### **SUMMARY EXPLANATION AND BACKGROUND**

This Agreement is the result of efforts to resolve differences and disputes between HADP Architecture, Inc., formerly known as Harper Partners, Inc. ("HADP"), and The School Board of Broward County, Florida (the "SBBC") arising from the design and construction improvement Hallandale Elementary School Replacement School Project, Project No. 0131-99-02 (hereinafter "the Project").

On or about January 16, 2001, HADP executed a Professional Services Agreement (hereinafter "PSA") with the SBBC to act as Architect of Record for the Project. The SBBC incurred additional costs on the Project attributed to alleged delays, design errors and omissions of HADP. HADP denied such allegations and asserted various defenses.

Unable to resolve their differences and disputes, the SBBC filed a claim against HADP in a case styled The School Board of Broward County, Florida v. HADP Architecture, Inc.: Case No. CACE 10-030355 (04) in the Circuit Court for the Seventeenth Judicial Circuit in and for Broward County, Florida (the "Lawsuit"). Through settlement negotiations, HADP has agreed to pay the SBBC \$280,000 in full and complete settlement of the Lawsuit. This item resolves and settles the litigation between the SBBC and HADP, except potential future personal injury claims associated with the Project. Neither party admits liability for the claims.

The School Board's Cadre Counsel, Edward C. Lohrer, with the concurrence of District Staff and the General Counsel's Office, recommend approval of the Settlement Agreement as a fair, reasonable and cost-effective resolution of the dispute between the parties.

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