

**AGENDA REQUEST FORM**  
**The School Board of Broward County, Florida**

Deferred from 8/7/01  
 Deferred from 7/17/01

Meeting Date <b>8/14/01</b>	Open Agenda ___Yes ___X_No	Time Certain Request ___Yes ___X_No	Agenda Item Number <b>J-7</b>
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**TITLE:**  
 Termination of Construction Contract and Authorization to Bid Exterior Remediation for  
 Central Park Elementary; Hawkes Bluff Elementary and Quiet Waters  
 Project Nos. 2641-98-05; 3131-98-05 and 3121-98-05

**REQUESTED ACTION:**  
 It is requested that the School Board of Broward County, Florida, terminate its contract with Therma-Seal Roofs, Inc. for the project titled Correction of Exterior Water Infiltration Sources for Central Park Elementary; Hawkes Bluff Elementary and Quiet Waters Elementary, Project Nos. 2641-98-05; 3131-98-05 and 3121-98-05 and authorize the Facilities and Construction Management Department to re-bid, if necessary.

**SUMMARY EXPLANATION AND BACKGROUND:**  
 Therma-Seal Roofs, Inc. is in breach of its contract due to non-performance of various provisions of its contract including, but not limited to the Agreement Articles and the General Conditions as follows:  
**Agreement**  
 Article 4 – Time for Contractor’s Performance  
 Article 6 – Time and Delays  
**General Conditions**  
 Article 7 – Progress  
 Article 14 – Cease and Desist Order  
 Article 15 – Duties, Obligations and Responsibilities of the Contractor  
 Article 26 – Workforce Composition  
 Article 27 – Inspection: Rejection of Materials and Workmanship  
 Article 33 – Change Orders  
 Article 34 – Discovering and Correcting Defective or Incomplete Work  
 Article 35 – Safety, Protection of Work and Property Surety has been notified of the Contractor’s Non-performance. Upon termination by the Board, Facilities and Construction Management and legal staff will demand completion of the project by the Surety and work with the Surety during their investigation of the Contractor’s performance to expedite the process. In the event that negotiations with the Surety are unsuccessful, and to expedite completion of the project in that case, Facilities and Construction Management also requests authority to re-bid the project.

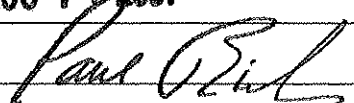
**MAJOR SYSTEM GOALS:**  
 \_\_\_ •Goal One: All students will achieve at their highest potential.  
 \_\_\_ •Goal Two: All schools will have equitable resources.  
 X •Goal Three: All operations of the school system will support and align with student achievement and needs.  
 \_\_\_ •Goal Four: All stakeholders work together to build a better school system.

**FINANCIAL IMPACT:**  
 The financial impact, if any, cannot be determined at this time.

**EXHIBITS: (List)**  
 1. Notice of Termination letter dated June 8, 2001  
 2. Notice of Termination letter dated June 8, 2001 to Great American Alliance Insurance, certified mail dated June 28, 2001  
 3. Construction documents are on file at the Facilities and Construction Management Department

BOARD ACTION <b>'APPROVED'</b> <small>(For Official School Board Records' Office Only)</small>	SOURCE OF ADDITIONAL INFORMATION E. Denise Cone, Project Manager (954) 712-1910 <small>Name Phone</small>
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**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
 FACILITIES AND CONSTRUCTION MANAGEMENT  
 THOMAS J. CALHOUN, DEPUTY SUPERINTENDENT

Approved in Open Board Meeting on: **AUG 14 2001**  
 BY:  , School Board Chairperson  
 FLT/T.J.Calhoun/E.Cone/K.Brown