



Broward County

Legislation Details (With Text)

File #: 22-1268 **Version:** 1

Status: Agenda Ready

In control: County Attorney

On agenda: 8/25/2022 **Final action:** 8/25/2022

Title: MOTION TO APPROVE settlement, including costs and attorneys' fees, in the case of Grace and Naeem Uddin, Inc. v. Broward County, 17th Judicial Circuit Court, Case No. CACE13-013834 (2); and to authorize the Mayor and Clerk to execute same.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Copy of Settlement Agreement

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO APPROVE settlement, including costs and attorneys' fees, in the case of *Grace and Naeem Uddin, Inc. v. Broward County*, 17th Judicial Circuit Court, Case No. CACE13-013834 (2); and to authorize the Mayor and Clerk to execute same.

Why Action is Necessary

Board approval is necessary to resolve this pending lawsuit.

What Action Accomplishes

Settlement of pending litigation.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Broward County (the "County") and Grace & Naeem Uddin, Inc. ("GNU") entered into an agreement on June 15, 2010 ("Construction Contract"), for Terminal 3 Security Checkpoint Expansion construction improvements at the Fort Lauderdale-Hollywood International Airport ("Project"). Disputes arose between GNU and the County, leading the County to terminate the Construction Contract.

On June 3, 2013, GNU filed a lawsuit against the County in state court alleging breach of contract, delay damages, and unpaid additional work in connection with the Project. The total amount of GNU's claim is \$1,328,400. The County filed a counterclaim for breach of contract and violations of the County's False Claims Ordinance. The County also filed a third-party complaint against Arch Insurance Company ("Arch"), the surety, on a Performance Bond issued on the Project. GNU also sued the County's consultant, Singer Architects ("Singer"), alleging professional negligence.

The County, GNU, Arch, and Singer participated in mediation on June 21, 2022, and July 8, 2022. The County, GNU, and Arch reached an agreement, subject to Board approval, to resolve the litigation with payment to GNU in the amount of \$250,000 in full and final settlement of GNU's claim inclusive of all damages, costs, attorneys' fees, and interest. The vast majority of this amount, \$218,158, is contract retainage that has been held by the County. As part of the settlement, the County has also agreed not to pursue debarment of GNU as a result of the Project. The settlement agreement would resolve the lawsuit between the County, GNU, and Arch. Claims between GNU and Singer remain pending. The proposed settlement agreement is attached hereto as Exhibit 1.

The Aviation Department and the Office of the County Attorney recommend approval of this settlement.

Source of Additional Information

Alexander J. Williams, Jr., Senior Assistant County Attorney, 954-359-6100

Fiscal Impact

Fiscal Impact/Cost Summary

The settlement payment is budgeted in the Aviation Capital Fund.