

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
)
)
IN THE MATTER OF: CONTROVERSY)
)
BURKWOOD CONSTRUCTION, INC.)
vs.)
COLLEGE OF CHARLESTON)
SCHOOL OF EDUCATION)
SANITARY SEWER)
STATE PROJECT NO. H15-9599-PG)
_____)

BEFORE THE CHIEF PROCUREMENT
OFFICER FOR CONSTRUCTION

CASE NO. 2008-004

ORDER APPROVING SETTLEMENT

POSTING DATE: January 3, 2008

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from Burkwood Construction, Inc. (Burkwood), under the provisions of §11-35-4230 of the South Carolina Consolidated Procurement Code (“the Code”), for an administrative review on the College of Education Project (“the Project”) for the College of Charleston (“the College”). Burkwood alleged that subsurface conditions not properly shown on the plans caused rework for which the College was responsible. Pursuant to §11-35-4210(3) of the South Carolina Code, the CPOC evaluated the issues for potential resolution by mutual agreement, determined that mediation was appropriate, and appointed a mediator. The attempt to mediate was successful. The College agreed to an add change order to its contract with Burkwood in the amount of \$20,048.19 and Burkwood agreed to accept this add change order as a complete resolution of its claim. [The parties agreement is attached as Exhibit “A”] This consent agreement settles all matters in dispute raised in Burkwood’s request for administrative review.

CPOC FINDINGS

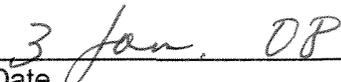
Based on a review of facts and issues surrounding this controversy, the CPOC finds that the parties engaged in good faith, free, and full discussions leading to a mutually agreeable settlement. It is the finding of the CPOC that the agreement between the two parties is both a complete settlement of the dispute and an acceptable resolution of the dispute. The CPOC further finds that the agreement is in the best interests of the State.

DECISION

Under the authority granted by §11-35-4230(3) of the Code, the CPOC hereby approves the settlement agreement as set forth in Exhibit A. Based on the parties' mutual good faith commitment to perform as set forth in the settlement agreement, the CPOC dismisses the request for administrative review filed by Burkwood.



John St. C. White
Chief Procurement Officer for Construction



Date

Columbia, South Carolina

Burkwood Construction, Inc.

EXH. *A*

1240 Bluff Road
Columbia, South Carolina 29201

(803) 799-5898

Fax (803) 799-5899

December 3, 2007

Mr. John White
Office of State Engineer
1201 Main Street, Suite 600
Columbia, South Carolina 29201

RE: SANITARY SEWER DISPUTE – SCHOOL OF EDUCATION-COLLEGE OF CHARLESTON
PROJECT NO. H15-9599-PC
ARCHITECT – WATSON TATE SAVORY ARCHITECTS, P. A.
GENERAL CONTRACTOR – BURKWOOD CONSTRUCTION, INC.
AGENCY – COLLEGE OF CHARLESTON

Dear Mr. White:

Please be advised that Burkwood Construction, Inc. and the College of Charleston reached an agreement this date regarding the above dispute during the mediation session held at your office with Margaret Jordan. No further action will be necessary in regard to this matter.

We appreciate everyone's time and consideration.

Sincerely,

Burkwood Construction, Inc.



Adam Frank, Project Manager

Copy: Margaret Jordan

RECEIVED
MMO PROGRAM SUPPORT
2007 DEC 3 PM 3 25

12/3/07

I DENNIS FOSTER
~~FRANK~~ FRANK
ADAM AGREE TO

A CHANGE FOR THE AMOUNT
OF \$ 20,048.19 FOR THE
COLLEGE OF CHARLESTON SCHOOL
OF EDUCATION PROJECT HIS-9599-PC

SIGNED:

COLLEGE OF CHARLESTON
DENNIS FOSTER

Dennis Foster

BURKWOOD CONSTRUCTION, INC.
~~FRANK~~ FRANK
ADAM

Frank Adam
