



To: Ernesto Pino

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "CL", is written to the right of the "From:" line.

RE: Legal Opinion Regarding Good Faith Estimate

Date: February 7, 2014

Yes, you are able to proceed for the same reasons stated previously. The key issue remains the amount of the good faith estimate that was the basis for entering into the contract. As that amount was less than \$2 million, and the contract was already entered into properly under the CCNA based on this good faith estimate, you may continue towards full performance of the contract even if the cost of the work ends up exceeding \$2 million.

Hernandez, Cristina

From: Leen, Craig
Sent: Friday, February 07, 2014 2:05 PM
To: Hernandez, Cristina
Cc: Thornton, Bridgette; Figueroa, Yaneris
Subject: Fwd: Tree Succession Project

Please place in the opinion folder.

Sent from my iPhone

Begin forwarded message:

From: "Leen, Craig" <cleen@coralgables.com>
Date: February 7, 2014 at 2:04:28 PM EST
To: "Pino, Ernesto" <epino@coralgables.com>
Cc: "Thornton, Bridgette" <bthornton@coralgables.com>
Subject: Re: Tree Succession Project

Yes, you are able to proceed for the same reasons stated previously. The key issue remains the amount of the good faith estimate that was the basis for entering into the contract. As that amount was less than \$2 million, and the contract was already entered into properly under the CCNA based on this good faith estimate, you may continue towards full performance of the contract even if the cost of the work ends up exceeding \$2 million.

Craig E. Leen
City Attorney

Sent from my iPhone

On Feb 7, 2014, at 12:23 PM, "Pino, Ernesto" <epino@coralgables.com> wrote:

Craig,
As per our meeting today I am attaching the current cost estimate submitted by our consultant in the amount of \$3,518,460. Please again confirm that we are able to proceed with the project based on this revised estimate.
Thank you,

Ernesto

From: Leen, Craig
Sent: Thursday, January 30, 2014 2:50 PM
To: Pino, Ernesto
Subject: FW: Tree Succession Project
Importance: High

I also wanted to attach the original good faith estimate that was received from the contractor for this project (demonstrating that the estimated amount of the project was less than \$2 million when the agreement was entered into).

Craig E. Leen
City Attorney

From: Leen, Craig
Sent: Thursday, January 30, 2014 2:48 PM
To: Pino, Ernesto
Subject: RE: Tree Succession Project
Importance: High

Yes, this confirms that you may proceed. The contract was entered into with a good faith estimate of \$1,850,950. The fact that the estimate increased does not affect the validity of the contract that was entered into properly under the CCNA. Accordingly, the City may proceed.

Craig E. Leen
City Attorney

From: Pino, Ernesto
Sent: Thursday, January 30, 2014 1:32 PM
To: Leen, Craig
Subject: Tree Succession Project

Craig,
As per our meeting, attached please find the spreadsheet from our consultant showing their original estimate of \$1,850,950 for the subject project. The final estimate is approximately \$2.2 million. Please confirm that we are able to proceed with the project based on the revised estimate?
I await your draft memo.
Thank you.

Ernesto R. Pino, R.A., LEED AP
Interim Public Works Director
(305) 460-5004

<CG-2012-12-18-Estimate.pdf>