

Memorandum



Date: July 7, 2008

RCA

To: Honorable Javier D. Souto and Members
Recreation and Cultural Affairs Committee

Agenda Item No. 7(A)

From: George M. Burgess
County Manager

Subject: South Miami-Dade Cultural Arts Center
Status Report

The Department of Cultural Affairs has prepared this report in response to the Recreation and Cultural Affairs Committee's request for a monthly update on the progress with constructing and opening the new South Miami-Dade Cultural Arts Center.

BACKGROUND

The South Miami-Dade Cultural Arts Center is located on S.W. 211 Street in Cutler Bay and is being developed to serve as a multidisciplinary arts center to showcase the performing arts. The design team includes an architectural and engineering team led by Arquitectonica, International, Inc, theater consultant Fisher Dachs Associates, Inc., acoustical and sound and communications consultant Artec Consultants, Inc., and arts management consultant AMS Planning & Research Corp.

The Center's 966 seat state-of-the-art Theater Building includes a fly tower, orchestra pit, front of house spaces (box office, lobby, restrooms, concessions, etc.), back of house support spaces (dressing rooms, storage and work areas, administrative offices, etc.) and a multi-purpose rehearsal space. The separate Activities Building of the Center will house an informal performance space, and smaller multi-purpose spaces for lectures, classes, or community gatherings. The Center's two buildings will be joined by an outdoor promenade leading to a gently sloping lawn for outdoor concerts and festivals along the Black Creek Canal.

Through the Miami-Dade County's Art in Public Places Program, the Center will have major public art works created by Miami artist Robert Chambers. An innovative light piece will illuminate the entire, translucent inner lobby wall with changing designs created by computer-programmed LED fixtures. In addition, the lobby will feature a number of marble sculptures also created by Robert Chambers.

A contract with The Tower Group, Inc. (TTG) for the construction of the South Miami-Dade Cultural Arts Center was approved in July 2005 and the Department of Cultural Affairs issued the Notice to Proceed to the Contractor on December 29, 2005. The Department is managing the construction of the Center and will operate the facilities upon completion.

CONSTRUCTION

Construction is approximately 75% complete. The metal wall panel skin for the front of the theater volume along the east and west sides of the building have been installed, with final adjustments pending. Installation of most of the metal panel cladding at the Activities Building has occurred and is pending corrections in areas noted by the Architect. The Contractor, TTG, has been experiencing difficulties with the curtain wall manufacturer sub-contractor and is negotiating with the sub-contractor to have them resume work on the curtain wall. No significant progress has been made on the curtain wall installation in several months. Roofing installation over the Back-of-House area has been completed. Roofing at the sloped roofs and stage house roof started in mid April and is continuing. The Department hired a roofing inspector to monitor the roofing installation. The inspector noted that one of the components of the roofing assembly was not in accordance with the specified products. The highest sloped roof and the stage house roof are being replaced to meet the project specifications. The roofing inspector is monitoring the removal of the non-compliant material and its replacement with the membrane specified by the Architect.

Metal stud wall framing is continuing at the interior of the Theater and Activities Buildings. Installation of second and third layers of drywall has started at the back-of-house area and rooms will begin to be closed in as the areas pass all necessary Building Department inspections. The framing for the curved ceiling of the auditorium has been substantially completed. Rough mechanical, electrical, plumbing, and fire protection (MEPF) work is ongoing throughout the buildings, including electrical wiring, fire alarm and sound and communications conduit and wiring. Sound and communications equipment has been fabricated and inspected by the sound and communications consultant. The interior stage house walls and cat walks are being primed and painted black. Fire proofing and caulking is continuing throughout the buildings. The rigging contractor mobilized to the site in May and is progressing with the installation of the rigging system at the stage house and pipe grid system at the multi-purpose room.

FPL is nearing completion of the equipment installation at the vault room. The Department has issued a Field Order to TTG to also install FPL-provided conduit along the north side of the site. This conduit will allow FPL to remove one FPL pole that is currently located where the Center's bus lane is planned, and to run the power underground in front of the Center. Conduits also are installed to run AT&T and Comcast wires underground as well. FPL is scheduled to complete the pole relocation work in late July.

CONSTRUCTION SCHEDULE

TTG's schedule update for May projects a substantial completion date of October 22, 2008, which is 254 calendar days beyond the contractual substantial completion date of February 11, 2008 and 19 days beyond the previously submitted schedule update.

TTG's schedule updates for the last few months have projected the following substantial completion dates:

- December 2007 schedule update – November 20, 2008 substantial completion;
- Preliminary January 2008 schedule update – December 23, 2008 substantial completion;

- REVISED January 2008 schedule update – August 29, 2008 substantial completion;
- February 2008 schedule update – September 23, 2008 substantial completion;
- March 2008 schedule update – September 23, 2008 substantial completion;
- April 2008 schedule update – October 3, 2008 substantial completion; and
- May 2008 schedule update – October 22, 2008 substantial completion.

The Department is assessing liquidated damages each month against the 10% retainage being held for the project.

On May 1, 2008, Assistant County Manager Alex Muñoz and the Department met with OHL USA's President Lauro Bravar and TTG-OHL management team for a walk through of the project site. TTG reported that it has brought an OHL scheduling expert for an assessment of the construction schedule in order to have a better sense of the realistic substantial completion date.

On May 29, 2008, a site walk through took place with Lauro Bravar, TTG-OHL staff, County Manager George Burgess, Assistant County Manager Alex Muñoz, Michael Spring and Department of Cultural Affairs' staff. TTG-OHL informed the team that they have been preparing a "technical" schedule which separates the work by areas of the project. This "technical" schedule has not been submitted to the Department and A/E team for review. According to TTG-OHL, however, this schedule projects a substantial completion about four to five weeks earlier than the TTG-OHL's latest schedule update that provides an October 22, 2008 substantial completion. TTG-OHL reported that it will work to incorporate the improvements into the June 2008 official schedule update.

PROPOSED CHANGE ORDERS (PCOs)

Until recently, TTG had not provided any new additional documentation to support the disputed amounts in PCOs for which the Department issued Work Orders in October 2007 for all substantiated costs and time (approximately \$225,000 paid from almost \$2 million requested). On May 29, 2008, TTG submitted three binders containing 32 PCOs. Upon inspection by the Department, many of the submitted PCOs consisted of the identical information that had previously been submitted for A/E review and rejected. Upon notifying TTG of this, TTG indicated that it wished to work on revising these PCOs for re-submittal.

To date, approximately \$1.6 million has been issued in Work Orders from the \$3.6 million contingency account. The following summarizes the status of the (66) PCOs received to date:

- (12) PCOs have been voided;
- (8) PCOs have been rejected;
- (21) PCOs have been reviewed and Work Orders have been issued
 - (8) of these include the Contractor's reservation of rights provision due to disputed items;
- (15) PCOs need to be revised and resubmitted by TTG
 - These PCOs do not include any re-submittal that TTG may provide for unsubstantiated costs in PCOs for which the Department issued Work Orders; and
- (10) PCOs are currently under review by the A/E and/or Department.

CONSULTANT CONTRACTS

Contract amendments for the project consultants, Arquitectonica International Corporation (A&E consultant), Fisher Dachs Associates (theater consultant) and Artec (acoustical and sound and communication consultant), were approved unanimously by the Recreation and Cultural Affairs Committee on June 9, 2008. These amendments are necessary due to the extended duration of the project. The total of \$293,500 needed for these three amendments is available from liquidated damages being assessed against the Contractor for the delayed delivery of the project, PAC Bond Revenues, Series 1997, interest earnings and financing proceeds, Safe Neighborhood Parks (SNP) proceeds, and GOB funds.

OPERATIONAL STAFF

The Department is in the process of recruiting for the position of Manager of the Center and it is anticipated that this position will be filled by July 2008. Once this position is filled, phased-in recruitment of the remaining operational staff will continue in order to prepare for the opening of the facility later in 2008.



Alex Munoz
Assistant County Manager