

# Memorandum



**Date:** September 8, 2008

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

RCA  
Agenda Item No. 8(C)

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

**Subject:** South Miami-Dade Cultural Arts Center  
Status Report

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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 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 79% complete. The Contractor, TTG, has negotiated with the curtain wall manufacturer sub-contractor to resume work that had not been progressing on the curtain wall installation. IBA Consultants, a building envelope expert firm hired by Arquitectonica to provide inspections of the waterproofing and curtain wall installation, has provided an interim report revealing deficiencies in the curtain wall installation. After several meetings with the Building Department and Building Code Compliance Office (BCCO), the Building Department has ordered that the curtain wall installation be stopped until the Contractor submits shop drawings and requests a one time product approval from BCCO for deviations from the curtain wall's product approval.

Installation of the metal panel cladding at both buildings is 90% complete. Roofing installation is 95% complete, including the removal of components of the roofing assembly that were installed not in accordance with the specified products, and the re-roofing with compliant materials. Interim inspections and reports have been provided by the roofing inspector hired by the Department to monitor the roofing installation. A final inspection is pending the Contractor's completion of the roofing system, including all details.

Metal stud wall framing is at 90% completion, while insulation and drywall installation is continuing at the interior of the Theater and Activities Buildings, with approximately 59% completed to date. 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. Fire proofing and caulking is continuing throughout the buildings, as well as priming and painting in areas ready to receive finishes. The stage rigging contractor has completed the stage house rigging and partially completed the pipe grids at the multi-purpose room and drama/rehearsal room.

FPL provided permanent power for the 277/480 voltage for the project on Wednesday, August 13. This will allow TTG to conduct testing of systems. FPL is pending the Building Department's approval to provide 208/120 volt permanent power. FPL has also commenced the work 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. The Department is coordinating with AT&T and Comcast to run their wiring underground as well.

## **CONSTRUCTION SCHEDULE**

TTG's schedule update for July (named WF25) projects a substantial completion date of December 4, 2008, which is 297 calendar days beyond the contractual substantial completion date of February 11, 2008 and 20 days beyond the previously submitted schedule update.

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

- 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;
- May 2008 schedule update – October 22, 2008 substantial completion;
- June 2008 schedule update – November 14, 2008 substantial completion; and
- July 2008 schedule update – December 4, 2008 substantial completion.

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

In May 2008, TTG informed the Department that they had brought a scheduling expert from TTG's parent company OHL for an assessment of the construction schedule in order to have a better sense of the realistic substantial completion date and that TTG was working on a 'technical schedule' that would reduce the substantial completion date by four to five weeks. To date, however, TTG's schedule updates continue to project further slippage of the substantial completion date.

### **PROPOSED CHANGE ORDERS (PCOs)**

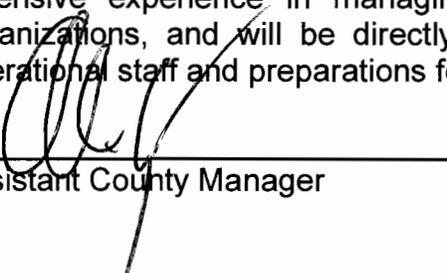
On May 29, 2008, TTG submitted three binders containing 32 PCOs. Upon inspection by the Department, many of the submitted PCOs consisted of the identical information that had previously been submitted for A/E review and rejected. Upon notifying TTG of this, TTG indicated that it wished to work on revising these PCOs for re-submittal. On June 19, 2008, TTG re-submitted some of these PCOs along with some new submittals for a total of 21 PCOs. Approximately another 20 PCOs have been received in the past month. The A/E team and the Department are currently reviewing these with the goal of providing fair and expeditious responses to the Contractor. To date, the Department has issued approximately \$1.77 million in Work Orders from the \$3.6 million contingency account.

The following summarizes the PCO status:

- (12) PCOs have been voided;
- (4) 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;
- (41) PCOs are currently under review by the A/E and/or Department.

### **OPERATIONAL STAFF**

The Department successfully completed the recruitment for the position of Manager of the Center. The successful candidate, Eric Fliss, started in the position in July 2008. Mr. Fliss has extensive experience in managing performing arts venues and working with non-profit organizations, and will be directly involved in the phased-in recruitment of the remaining operational staff and preparations for the opening of the facility.

  
Assistant County Manager