

# Memorandum



Date: November 7, 2008

RCA

Agenda Item No. 8(A)

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

From: George M. Burgess  
County Manager

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

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 81% complete. In early August, the Building Department instructed the Contractor to stop the curtain wall installation due to lack of approved shop drawings, deficiencies in the installation, and the need to request a one-time product approval due to deviations between the product's Notice of Approval (NOA) and the project installation. The Tower Group (TTG) submitted a package to the Building Code Compliance Office (BCCO) on 9/17/08 and is expected to complete the small and large missile testing by 10/14/08. BCCO has been very accommodating in expediting their review of TTG's package. Once the one-time product approval process is complete, TTG must then submit the shop drawings and NOA package to the A/E team for review, and then to the Building Department for permitting.

A walk through occurred on Sept. 15, 2008 with TTG, the sub-contractor installing the metal panel exterior building skin (AC Dellovade), Arquitectonica (ARQ), and the Department. ARQ commented on numerous deficiencies of the installation and informed TTG that many of the installation conditions are not acceptable. Arquitectonica has prepared a report noting the deficiencies. The Department has forwarded this report to TTG requesting a plan and timeline for curing the deficiencies.

The roofing inspector hired by the Department (Betis) has conducted a punch list inspection of the roofing installation at both buildings and has noted deficiencies not only in the roofing installation but also in the stucco installation. The Department has forwarded the report to TTG requesting a plan and timeline for the remedial work. The Department has also asked Betis to provide a proposal for core testing at specific areas where the deficient installations are observed.

The Department continues to emphasize to the Contractor the importance of quality control. The Department forwards all field reports from the A/E team, specialty consultants, and independent inspectors to the Contractor, and requests a timeline and plan for addressing all deficiencies noted in the report.

On October 3, 2008, I, Assistant County Manager Alex Muñoz, the Department and ARQ met again with OHL USA's President Lauro Bravar and the TTG-OHL site management team to express our expectation that these construction issues be addressed thoroughly and satisfactorily. In addition, we reiterated our request to receive a firm substantial completion date for the construction of the project. We intend to continue to exercise strong project management through the Department and maintain the direct involvement of my office to ensure the quality and accountability of the work.

## **CONSTRUCTION SCHEDULE**

TTG's revised schedule update for September (named WR27) projects a substantial completion date of February 24, 2009, which is 379 calendar days beyond the contractual substantial completion date of February 11, 2008 and 57 days beyond the previously submitted schedule update.

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

- 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;
- July 2008 schedule update – December 4, 2008 substantial completion;
- August 2008 schedule update – December 29, 2008 substantial completion;
- September 2008 schedule update – January 6, 2009 substantial completion; and
- REVISED September 2008 schedule update – February 24, 2009 substantial completion.

Because the curtain wall activities are not tied to other work activities in TTG's schedule update, they do not appear to be on the critical path of the project. The critical path of the project currently flows through the Activities Building, with emphasis on the completion of electrical and HVAC rough work, and the installation of drywall. According to ARQ's scheduling consultant, the schedule appears to be compressed, leaving only three months to complete the interior finishes and testing of systems.

The Department continues to assess delay damages each month against the 10% retainage being held for the project. Over \$616,000 has been assessed up to the end of August.

### **CONSTRUCTION BUDGET**

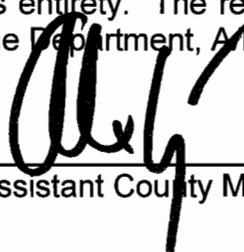
The Department has paid \$28.3 million of the overall \$39.5 million contract amount, which includes the owner-controlled contingency and a deduct change order for the Direct Purchase Program. Retainage currently totals approximately \$3.1 million, leaving an approximately \$8.1 million balance to finish.

The Department and A/E team continue to review the Proposed Change Orders (PCOs) submitted by TTG within the last four months with the goal of completing a fair and thorough review as quickly as possible. Approximately half of the PCOs submitted within the last few months have been reviewed. In total, the Department has issued approximately \$1.8 million in Work Orders from the \$3.6 million contingency account.

The following summarizes the status of all 92 PCOs received to date:

- (15) PCOs have been voided;
- (10) PCOs have been rejected;
- (33) PCOs have been reviewed and Work Orders have been issued;
- (26) PCOs are currently under review by the A/E and/or Department;
- (8) PCOs have been reviewed and comments provided to TTG for resubmittal.

TTG has recently submitted five PCOs that include contract time extension requests totaling 343 days. The first of these has been reviewed and the 130-day request has been rejected in its entirety. The remaining four with requests totaling 213 days are currently under review by the Department, A/E team, and the scheduling consultant.

  
Assistant County Manager