

Memorandum



Date: December 8, 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 "Burgess", written over the printed name of George M. Burgess.

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 81.6% complete. The Tower Group (TTG) continues to address issues with the curtain wall after 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. TTG submitted a package to the Building Code Compliance Office (BCCO) on 9/17/08, which has been reviewed and comments have been provided by BCCO. Small and large missile testing has been conducted on the system and alternatives are currently being developed due to the failed results of the large missile test. 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.

TTG has supplemented its project management staff with new on-site members who currently are assessing the project in an effort to mitigate further delays and satisfactorily address deficiencies in the quality of the construction, including options for the curtain wall system. Deficiencies noted by Arquitectonica and specialty inspectors for the metal wall panel and roofing systems have been partially addressed by the Contractor, with further remedial work pending.

The Department has accepted a proposal from the roofing inspector to provide further testing of deficiencies in the roofing installation to determine the extent of apparent water infiltration conclusively and any remedial action required.

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. TTG and parent company OHL executives have committed to completing a quality project for the South Miami-Dade community.

CONSTRUCTION SCHEDULE

TTG has not yet submitted a schedule update for October 2008 and the new management team has requested time to thoroughly assess the status of the construction before providing a 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.

The Department has emphasized the importance of receiving the contractually required schedule updates and continues to assess delay damages each month against the 10% retainage being held for the project. Over \$733,000 has been assessed up to the end of September.

CONSTRUCTION BUDGET

The Department has paid \$28.5 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 \$7.9 million balance to finish.

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 93 Proposed Change Orders (PCO) received to date:

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

TTG has 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