Memorandum

MIAMI-DADE COUNTY

RCT

Agenda Item No. 8(F)

Date: March 9, 2009

To: Honorable Javier D. Souto and Members
Recreation, Culture and Tourism Committee

From: George M. Burgess
County Manager

Subject: South Miami-Dade Cultural Arts Center
Status Report

The Department of Cultural Affairs has prepared this report to provide the Committee with 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 85% complete. The Tower Group (TTG) has formulated a plan to address the curtain wall system deficiencies by replacing the system currently installed with a different system that possesses the required Building Code Compliance Office Notice of Acceptance and product approvals. TTG is working closely with Arquitectonica (ARQ), the project architect, to ensure that the proposed system meets ARQ's design intent and aesthetic concerns. The curtain wall manufacturer will also be providing new fixed windows for both buildings to replace the currently installed windows which had been noted by the threshold inspector to be non-compliant.

TTG continues to address deficiencies, construction quality concerns, and outstanding submittals. Additional spray-on fireproofing has been installed throughout the Theater Building and has been tested by Wingerter, the testing laboratory hired by the Department. Unsatisfactory stucco work at the Activity Building has begun be torn down and TTG has hired a consulting firm to review field conditions and provide recommendations to avoid cracking and moisture intrusion. In addition to their inspection of the curtain wall system installation, IBA Consultants, Inc. has been hired by the Department also to test components of the building envelope including the metal panels, entrance canopy, stucco, etc. and to review TTG's remediation proposals. Water tests are currently being conducted on the exterior metal panels.

CONSTRUCTION SCHEDULE

TTG has submitted a completion schedule that outlines the steps necessary to address the curtain wall issue and the subsequent activities to complete the construction of the project. Based on this completion schedule, the substantial completion date of the project is projected to occur on November 25, 2009, which is 636 calendar days beyond the current contractual substantial completion date of February 26, 2008. It should be noted that this schedule's substantial completion activity contains 40 days of float. Therefore, substantial completion may occur as late as January 26, 2010. The Department has provided comments regarding the timeframe for the A/E team's review of submittals and TTG has incorporated these comments into the schedule. A final review of the schedule is being conducted by the Architect's scheduling consultant and the Department and further comments will be provided to the Contractor.

The Department continues to assess delay damages each month against the 10% retainage being held for the project. Over $1 million has been assessed up to the end of December 2008.

CONSTRUCTION BUDGET/PROPOSED CHANGE ORDERS/CONTRACT TIME EXTENSIONS

TTG has not yet submitted a payment application package for the months of December 2008 or January 2009. Based on the November 2008 payment application processed by the Department, approximately $29.0 million has been paid from the overall $38.8 million construction contract amount. Retainage currently totals approximately $3.2 million, leaving an

approximately $6.6 million balance to finish. The Department is preparing Change Order #4, a deduct change order to deduct approximately $400,000 from TTG's contract. The amount of the deduct change order is equivalent to the sum which the Department has paid directly for materials and equipment purchased through the Direct Purchase Program. The net sales tax savings from this third *deduct* Change Order will be approximately $30,000 and will be added to the Owner-controlled contingency account.

The Department has issued approximately $2 million in Work Orders from the $3.7 million contingency account.

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

- (20) PCOs have been voided;
- (16) PCOs have been rejected by the Department and/or Architect;
- (42) PCOs have been reviewed and Work Orders have been issued to TTG;
- (9) PCOs are currently under review by the A/E and/or the Department;
- (13) PCOs have been reviewed and comments provided to TTG for re-submittal.

Since June 2008, TTG has submitted five PCOs that include contract time extension requests totaling 343 days. Two of these PCOs have been reviewed and rejected, totaling 141 of the days requested. One was reviewed and a 15-day non-compensable contract extension was awarded from the 29 compensable days requested by the Contractor. The remaining two PCOs with requests totaling 173 days are currently under review by the Department, A/E team, and the scheduling consultant. The Department and consultants continue to review all PCOs and contract time extension requests fairly to compensate the Contractor for all substantiated additional costs and time.

Assistant County Manager