

# Memorandum



**Date:** April 13, 2009

RCT

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

Agenda Item No. 8(F)

**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 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

The Department continues to order and receive independent reports regarding various aspects of the installed work to identify deficiencies and areas requiring remedial action and/or replacement. The Tower Group's (TTG) management staff has also hired various consultants to review the work and provide input on both installed work and proposed changes to the work. Work currently being reviewed includes the application of various fire resistive materials and building envelope items such as the curtain wall, metal wall panels, and stucco.

The Tower Group (TTG) has engaged the services of a new curtain wall manufacturer to provide the dismantling of the system partially installed on site and provide and install a new system. Shop drawings are currently being developed in conjunction with the A/E team and specialty consultants to ensure that all proposed solutions will meet Arquitectonica's (ARQ) design intent, aesthetic concerns, and connectivity to other building materials.

Additional spray-on fireproofing is being installed throughout the Theater Building and tested and/or re-tested by Wingerter, the testing laboratory hired by the Department. ARQ is inspecting areas as they are completed to ensure conformance with the project documents. TTG is evaluating the application of intumescent paint to confirm compliance with the fire resistive rating requirements.

In addition to their inspection of the curtain wall system installation, IBA Consultants, Inc. has been hired by the Department to test components of the building envelope including the metal panels, entrance canopy, stucco, etc. and to review TTG's remediation proposals for these elements. Water tests have been conducted on the exterior metal panels and a large majority of the areas tested did not pass until remedial work was conducted. IBA has issued a report recommending the removal of the metal panels and proper re-installation. The threshold engineer has issued a report rejecting the metal panel installation due to non-conformance of the installation with the shop drawings approved by the Building Department and the product's Notice of Acceptance (NOA). Based on the various deficiency reports and the Architect's continued issuance of field observations noting the non-conforming work, the Department has issued a Notice of Rejected Work to TTG for the metal panel installation. TTG is working with the installer and metal panel manufacturer to formulate a remedial plan. As a result of deviating from the installation methods outlined in the product's Miami-Dade County Notice of Acceptance (NOA), the installer has ordered the first of a series of laboratory tests to qualify the structural integrity of the installation method performed on this project. If the testing is successful, an application to the Building Code Compliance Office would be required to obtain a one-time product approval for the installation methods used for the metal panels.

Unsatisfactory stucco work at the Activity Building has been torn down. Stucco work at the Theater Building has been tested and areas of non-conforming installation have been noted by IBA on a series of reports.

## CONSTRUCTION SCHEDULE

In January 2009, TTG 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. The Department has provided comments and accepted TTG's completion schedule, noting that the acceptance of the schedule does not change the terms of the Contract nor relieve the Contractor of its contractual obligations. Based on the February 2009 update to the completion schedule, substantial completion is projected to occur on December 1, 2009, which is 642 calendar days beyond the current contractual substantial completion date of February 26, 2008.

### CONSTRUCTION BUDGET/PROPOSED CHANGE ORDERS/CONTRACT TIME EXTENSIONS

Based on the last complete payment application processed by the Department (November 2008), 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 has prepared 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.

TTG has submitted a partial payment application package for the combined months of December and January. Arquitectonica and the Department have reviewed and provided comments to the Contractor for submittal of incomplete documentation. This application will total approximately \$80,000. TTG has also submitted a preliminary payment application for February in the amount of approximately \$400,000, which is currently being reviewed. The Department continues to assess delay damages each month against the 10% retainage being held for the project. Over \$1.2 million has been assessed up to the end of January 2009.

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:

- o (20) PCOs have been voided;
- o (19) PCOs have been rejected by the Department and/or Architect;
- o (42) PCOs have been reviewed and Work Orders have been issued to TTG;
- o (7) PCOs are currently under review by the A/E and/or the Department;
- o (52) PCOs have been reviewed and comments provided to TTG for re-submittal.

In February, TTG submitted 37 PCOs claiming additional costs for the mechanical, electrical, and fire protection sub-contractors. The Department has reviewed the majority of these PCOs and discussed them with the Contractor and mechanical sub-contractor. Many of these claims are rejected based on the fact that the re-work was necessary due to a lack of coordination prior to the Contractor commencing the work. TTG has taken these PCOs and will review and re-submit only those that constitute an owner requested change and/or A/E change. The Department continues to review two PCOs with contract time extension requests totaling 173 days.



Assistant County Manager