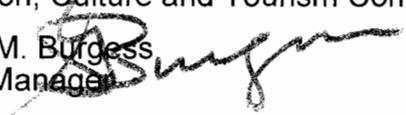


Memorandum



Date: May 11, 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

RCT
Agenda Item No. 8(G)

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 has rejected both the curtain wall installation and exterior metal panel installation and is reviewing test reports regarding other elements of the project. Rejection of particular elements of the work is based on issues such as, but not limited to: non-conformance of the installation with the shop drawings approved by the Building Department and/or with the product's Notice of Acceptance (NOA), failed results from tests and/or inspections performed by the Special Inspector (IBA Consultants), reports of non-conforming work from the Architect of Record and/or Engineer of Record, etc. The Tower Group (TTG) has contracted with a new curtain wall manufacturer to provide the dismantling of the system partially installed on site and provide and install a new curtain wall system. Shop drawings continue to be developed in conjunction with the A/E team, IBA, and TTG's building envelope consultant to ensure that all proposed solutions will meet Arquitectonica's (ARQ) design intent, aesthetic concerns, and connectivity to other building materials. TTG is also working with the metal

panel subcontractor and material manufacturer to provide a proposed remediation plan for the exterior metal panels. A meeting was conducted with representatives from the Miami-Dade County Building Code Compliance Office (BCCO), TTG, the metal panel sub-contractor (A. C. Dellovade), the contractor's building envelope consultant (Miami Curtain Wall), ARQ, the Engineer of Record (Martinez Engineering Group), the Specialty Inspector (IBA), and the Department to identify the testing protocol necessary to apply for a one time product approval from BCCO based on the project specific installation conditions. The testing requirements address structural, water and air infiltration requirements. TTG's remedial plan will also need to address issues pertaining to workmanship quality, which are not part of the testing requirements.

CONSTRUCTION SCHEDULE

TTG's March 2009 schedule update projects a substantial completion of December 30, 2009, which is 673 calendar days beyond the current contractual substantial completion date of February 26, 2008 and 29 days later than the substantial completion date projected in the February 2009 update. This update does not include any potential impact to the schedule based on remedial work necessary for the exterior metal panel installation. The Department continues to assess delay damages each month against the 10% retainage being held for the project. Over \$1.3 million has been assessed up to the end of February 2009.

CONSTRUCTION BUDGET/PROPOSED CHANGE ORDERS/CONTRACT TIME EXTENSIONS

The Department has requested that the Contractor include language in its consent of surety form, submitted with each payment application, acknowledging the Owner's disputed amount based on work in place which had been compensated but subsequently found to be non-compliant and rejected. The current disputed amount based on the rejected curtain wall and metal panel installation totals \$953,500.

To date, 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 issued approximately \$2 million in Work Orders from the \$3.7 million contingency account. The following summarizes the status of all Proposed Change Orders (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.

The Department is drafting Work Orders to finalize two PCOs which include contract time extension requests. In February, TTG submitted 37 PCOs claiming additional costs for the mechanical, electrical, and fire protection sub-contractors. The Department has reviewed the PCOs and discussed them with the Contractor and mechanical sub-contractor. TTG has submitted additional documentation and is verifying their concurrence with all the charges presented in these PCOs. TTG has assigned a new project manager to review the documentation submitted and/or requested by the Department for all outstanding PCOs with the goal of finalizing them.



Assistant County Manager