

Memorandum



Date: June 8, 2009

RCT

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

Agenda Item No. 8(D)

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 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 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 the curtain wall installation, exterior metal panel installation, and stucco installation. 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. Shop drawings for a new curtain wall system that will replace the one partially installed on site continue to be developed and partial submittals have been reviewed by the A/E team. TTG has requested to meet with the Department, the A/E team, and envelope consultants to discuss their proposed solutions for the exterior metal panels and to gather input from the team.

CONSTRUCTION SCHEDULE

TTG's April 2009 final schedule update projects a substantial completion of January 8, 2010, which is 682 calendar days beyond the current contractual substantial completion date of February 26, 2008 and 9 days later than the substantial completion date projected in the March 2009 update. This update does not include any potential impact due to the remedial/replacement work necessary for the exterior metal panel installation, some of which may be concurrent with the curtain wall removal and re-installation. TTG has recently submitted a Time Impact Analysis (TIA) for delays related to the new curtain wall system. The TIA is currently being reviewed by the A/E team and the Department. TTG's April schedule update includes the Contractor's opinion that based on the curtain wall TIA, the substantial completion date may be forecasted as late as March 3, 2010. The Department continues to assess delay damages each month against the 10% retainage being held for the project. Over \$1.5 million has been assessed up to the end of April 2009.

CONSTRUCTION BUDGET/PROPOSED CHANGE ORDERS/CONTRACT TIME EXTENSIONS

As requested by the Department, the Contractor has included 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, metal panel installation, and stucco installation totals \$1,127,050.

To date, approximately \$29.2 million has been paid from the overall \$38.0 million construction contract amount, which includes deduct change orders issued to date for materials and equipment purchased through the Direct Purchase Program. Retainage currently totals approximately \$3.2 million, leaving an approximately \$5.6 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:

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

TTG has submitted revised documentation for over thirty PCOs submitted in February which were subsequently reviewed by the Department and A/E team and comments provided to the Contractor. The Department is currently reviewing the resubmitted documentation and will issue Work Orders for substantiated additional work scope.



Assistant County Manager