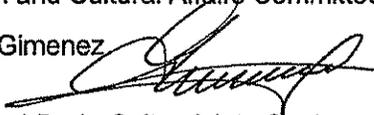


Memorandum



Date: December 12, 2011

To: Honorable Javier D. Souto and Members
Recreation and Cultural Affairs Committee

From: Carlos A. Gimenez
Mayor 

Subject: South Miami-Dade Cultural Arts Center
Status Report

RCA
Agenda Item No. 6(A)

OPERATIONS

After a successful Grand Opening and series of October shows, the South Miami-Dade Cultural Arts Center (SMDCAC) has an outstanding line-up of performances scheduled for the month of November. The Center continues to emphasize its goals of presenting artistically excellent work and developing strong community outreach components in everything that it does.

The Center received a great deal of positive coverage in the press surrounding the opening of the building including major features in *The Miami Herald*, a front page story by Jordan Levin ("New South Miami-Dade cultural center opens to rave reviews"), top picks of shows to see in 2011-2012 in Season of the Arts, and a favorable architectural review of the building by Beth Dunlop ("South Miami-Dade performing arts center a work of art").

The Center presented Garth Fagan Dance on November 5. Jamaican-born Garth Fagan is renowned in the contemporary dance world. He is most famous for his choreography in the Broadway hit *The Lion King*, but Fagan is also celebrated in the dance world for his particular style of movement. This will be his company's first visit to Miami in his 40-year career.

SMDCAC will also premiere a new work by Brazz Dance Theater, a Miami-based, Afro-Brazilian dance company under the direction of Augusto Soledade, beginning on November 11 and running through November 20. Soledade created the dance at the Center during a month-long residency that included community outreach to Mays Conservatory School. The company plans to tour the work immediately following its run at SMDCAC.

In addition, the Center will co-present with FUNDArte, a concert by Grammy-award winning, Miami musician Nestor Torres. Ten years after 9/11, Torres is creating a concert event in a symphonic version of songs from his CD "Dances, Prayers & Meditations For Peace." This musical/multidisciplinary performance is directed by Daniel Lewis, conducted by Maestro Eduardo Marturet and joined by the Greater Miami Youth Symphony, the Thomas Armour Dance Conservatory, the Miami Children's Choir, and students from the New World School of The Arts.

SMDCAC has secured several rental performances including theater plays by local arts groups such as Thr3e Sista's Enterprises and Miami Acting Company as well as a concert performance by Miami Wind Symphony.

For a complete listing of upcoming events, please visit the SMDCAC website, www.smdcac.org.

The Center is continuing to assemble its operational team and now has in place a Box Office Manager and part time box office, house, security and backstage staff. Recruitments are being finalized in the areas of education and outreach, house management and facilities management.

SMDCAC General Manager Eric Fliss attended the South Arts, Performing Arts Exchange Conference (PAE) in late September. This conference offers professional development opportunities as well as access to a large number of agents and managers of local, regional and national artists in one location.

CONSTRUCTION COMPLETION / CONTRACT CLOSE-OUT

The Department has successfully managed the construction contract, including the implementation of the Direct Purchase Program resulting in a sales tax savings to the project of almost \$200,000 and the completion of the building within the approved budget with an overall remaining balance of more than \$600,000 retained by the Department (\$117,139 from the Owner-controlled Construction Contingency Account; \$271,785 from budgeted but unused Independent Private Sector Inspector General (IPSIG) fees; and \$260,370 from liquidated damages assessed to the Contractor). These funds will be used to help address the Center's current unmet needs, such as supplemental audio equipment to enhance the in-house technical capacity of the theaters and/or a marquis sign to help promote the Center's events.

The Tower Group, Inc. (TTG), the contractor for the construction of the SMDCAC, and the Department of Cultural Affairs have reached an agreement to close out the construction project within the terms of the contract and within the approved budget. The Department has issued, and the Contractor has accepted, a final Work Order that provides an equitable and comprehensive resolution of all project-related issues including, but not limited to: Proposed Change Orders (PCOs), disputed costs, delay damages, requests for contract time extensions, and any and all project-related claims between Miami-Dade County and the contractor, inclusive of any potential future claim litigation.

Just as importantly, the SMDCAC was completed to the high standards of quality in architecture, theatrical functionality and acoustics that were established for the project. The Department and the A/E team closely monitored the construction of the Center, leading to the rejection of the main building envelope systems that were not installed in accordance with the Contract Documents. After TTG was purchased by Obras con Huarte Lain, S.A. (OHL), a Spain-based international construction firm, the Contractor's team worked cooperatively with the Department to ensure that all deficiencies were remedied and in some instances, instead of repairs, the contractor chose to replace entire building systems at their cost. Working together, the Contractor and the Department's construction project management team produced an outstanding cultural center that fulfilled and exceeded cultural and community expectations.

Key features of the project's final Work Order #100 include:

- Construction was completed under the approved budget:
 - The construction contract for the South Miami-Dade Cultural Arts Center was issued to the Tower Group for a total amount of \$38,412,280;
 - The project had a 10% Owner-controlled Construction Contingency account:
 - ✓ Change Order #1 was issued to replenish the 5% Owner-controlled Construction

Contingency account after about two-thirds of it was depleted for charges related to unforeseen dewatering issues on the site at the onset of construction;

- ✓ Deduct Change Orders #2-5 all pertained to the Direct Purchase (sales tax savings) Program and they total a realized tax savings to the project of \$195,337; and
- ✓ Of the \$3,819,137 General Allowance (Owner-controlled Construction Contingency) Account, Work Orders were issued for a total of \$3,701,998 with a remaining balance of \$117,139.
- The Department retained more than \$600,000 in funds from the contract:
 - In response to approximately \$3.2 million in open and disputed PCOs, Work Order #100 included \$742,406 in compensation to the Contractor, leaving a balance of \$117,139 in the owner-controlled General Allowance (Construction Contingency) Account which remains with Miami-Dade County;
 - The sum total of \$271,785 included in the contract for the Independent Private Sector Inspector General fee is deducted from the Contractor's final contract amount. At the time of contract award, this amount was required to be set aside for the purpose of funding an audit of the project by a private sector consultant, if requested by the Office of the Inspector General;
 - Pursuant to the Contract, the amount of \$260,370 is deducted from the Contractor's final contract amount for 90 days of liquidated damages in the sum stipulated in the bid documents. Miami-Dade County relinquishes all other time-related claims against the Contractor, and the Contractor relinquishes all time-related claims against Miami-Dade County;
- The \$500,000 Dedicated Allowance Account was established and spent for the purchase of the orchestra shell and related work scope after obtaining a \$500,000 grant from the State of Florida Cultural Facilities Program. An additional \$1 million was secured from State Cultural Facilities grants to complete the project's budget.
- The sum total of \$93,587.02 is being retained from the Contractor's payment until the Sustainability, Planning, and Economic Enhancement Department (formerly Small Business Development) finalizes its compliance determination regarding whether Sun-Tech Plumbing Contractors underpaid certain wages;
- The sum total of \$72,231 is being retained until the Contractor's completion of the remaining punchlist items. Most of the punchlist items have been completed since the issuance of the Work Order.
- The final Contract amount is \$36,965,127 of which \$32,274,269.66 has been paid to TTG to date. The balance, which mainly includes the 10% retainage being held, will be paid upon TTG's submittal of a complete payment application, minus the amounts being withheld until the conclusion of the wage compliance issues (referenced above) and the completion of the punchlist items.

The final Work Order establishes the completion of the construction contract within the approved budget and sets forth an amicable conclusion to the project with an agreement that no further causes of action are necessary or allowable against Miami-Dade County and/or the project consultants.

BACKGROUND

The South Miami-Dade Cultural Arts Center is located on S.W. 211 Street in Cutler Bay and is a multidisciplinary arts center designed to showcase the performing arts. The design team was led by

architectural and engineering firm Arquitectonica International, Inc, and also included: theater consultant Fisher Dachs Associates, Inc.; acoustical and sound and communications consultant Artec Consultants, Inc.; and arts management consultant AMS Planning & Research Corp.

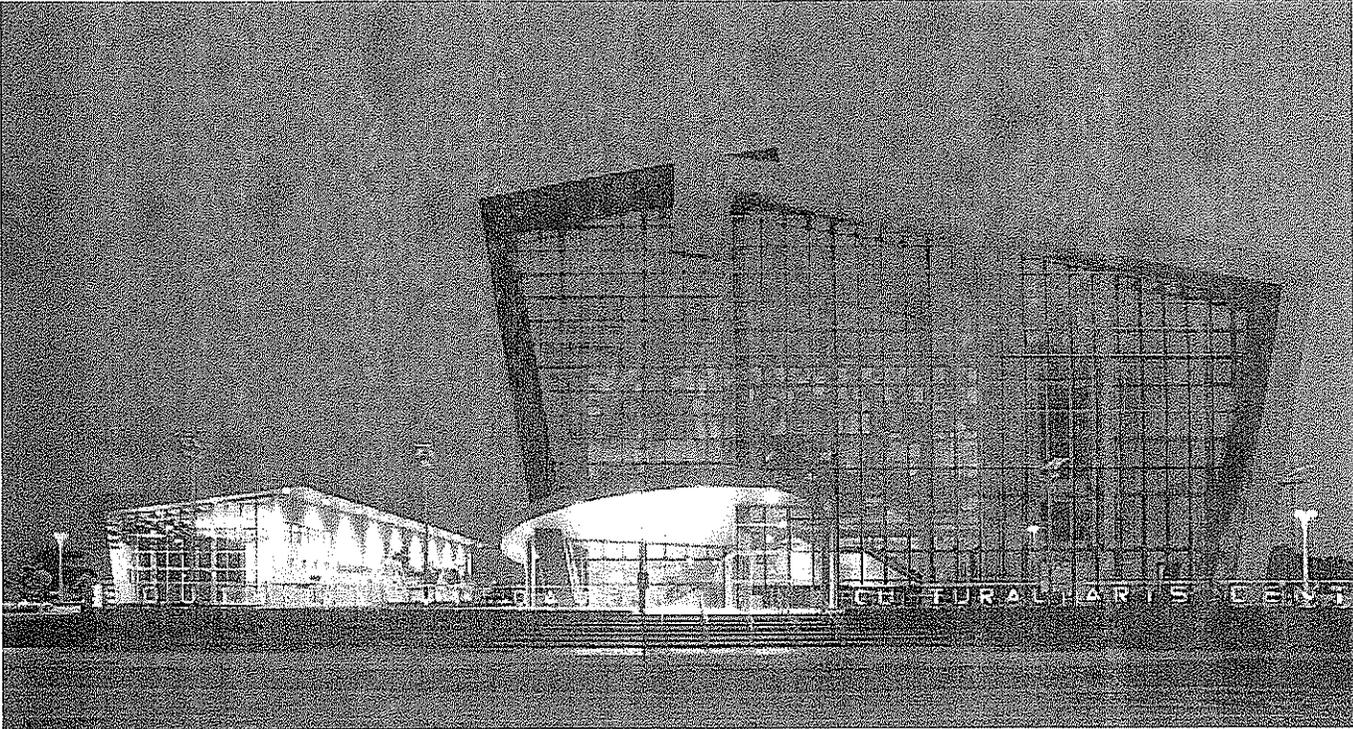
The Center's 966-seat state-of-the-art Theater Building includes a fly tower, orchestra pit, front of house spaces (box office, lobby, restrooms, concessions, etc.), back of house support spaces (dressing rooms, storage and work areas, administrative offices, etc.) and a multi-purpose rehearsal space. The separate Activities Building of the Center houses an informal performance space, and smaller multi-purpose spaces for lectures, classes, or community gatherings. The Center's two buildings are joined by an outdoor promenade leading to a gently-sloping lawn for outdoor concerts and festivals along the Black Creek Canal.

Through Miami-Dade County's Art in Public Places Program, the Center has major public art works created by Miami artist Robert Chambers. An innovative light piece illuminates the translucent inner lobby wall with changing light designs created by computer-programmed LED fixtures. In addition, the lobby features two marble sculptures also created by Robert Chambers.

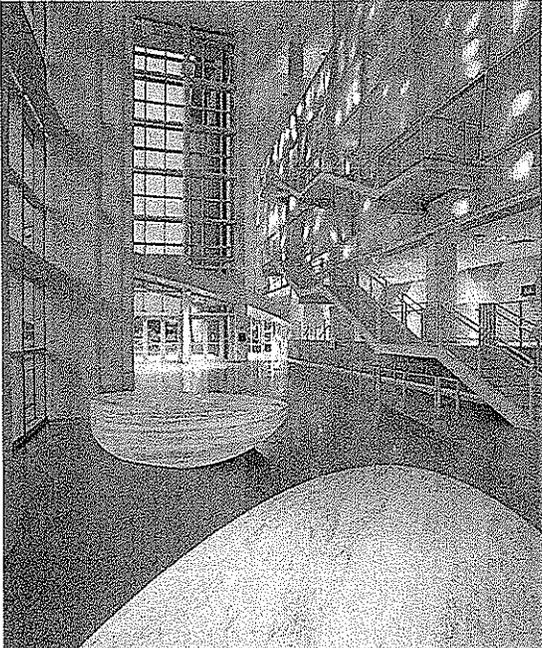
A contract with TTG for the construction of the South Miami-Dade Cultural Arts Center was approved in July 2005 and the Department of Cultural Affairs issued the Notice to Proceed to the Contractor on December 29, 2005. The final certificate of occupancy was issued on April 15, 2011. The Department was responsible for managing the construction of the Center and is now operating the completed facilities.



Deputy Mayor/Senior Advisor

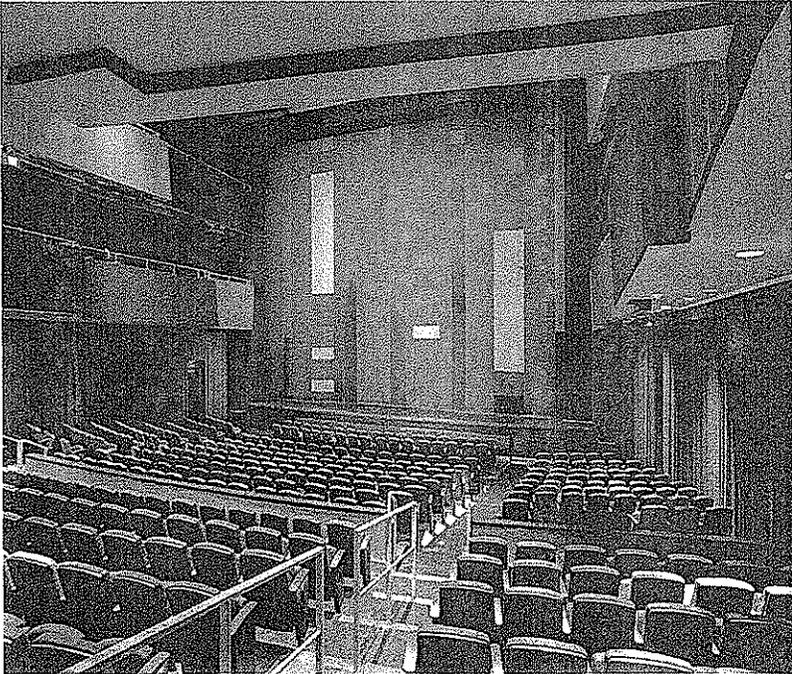


Exterior view from 211th Street



Interior view of theater lobby showing
Art in Public Places projects by
Robert Chambers
Light Field and Orbital I and Orbital II

Interior view of auditorium showing house curtain
designed by Arquitectonica International Inc.



Photos by Robin Hill

Grand Opening events October 1, 2011
and October 2, 2011

Photos by Joshua Prezant

