

Approved _____ Mayor

Agenda Item No. 3(P)(1)(A)

Veto _____

4-24-07

Override _____

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-373-07

**RESOLUTION AUTHORIZING THE COUNTY
MANAGER TO RECEIVE AND EXPEND FUNDS
FROM THE 2006-2007 STATE OF FLORIDA
CULTURAL FACILITIES PROGRAM FOR THE
DEPARTMENT OF CULTURAL AFFAIRS, AND
AUTHORIZING COUNTY MAYOR OR HIS
DESIGNEE TO EXECUTE ALL NECESSARY
AGREEMENTS**

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the County Manager to receive and expend a grant in the amount of \$500,000 from the Florida Department of State 2006-07 Cultural Facilities Program for the Department of Cultural Affairs for the South Miami-Dade Cultural Arts Center, and authorizes the County Mayor or his designee to execute all necessary agreements.

The foregoing resolution was offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	absent	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

Stephen Stieglitz



By: **KAY SULLIVAN**
Deputy Clerk

Memorandum



Date: April 24, 2007

Agenda Item No. 3(P)(1)(A)

To: Honorable Chairman Bruno A. Barreiro and Members,
Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Resolution Authorizing the County Manager to Receive and Expend Funds from the 2006-2007 State of Florida Cultural Facilities Program for the Department of Cultural Affairs, and to Execute all Necessary Agreements

Recommendation

It is recommended that the Board of County Commissioners authorize the County Manager to receive and expend a grant in the amount of \$500,000 from the Florida Department of State 2006-07 Cultural Facilities Program for the Department of Cultural Affairs for the South Miami-Dade Cultural Arts Center, and to execute all necessary agreements.

Scope

The South Miami-Dade Cultural Arts Center (Center) will serve as the showcase for the performing arts in the southern part of Miami-Dade County. Located in District 8 and in close proximity to District 9, the Center will serve the rapidly growing population in South Miami-Dade County and its surrounding neighborhoods as well as audiences, cultural organizations and artists from throughout the County.

Fiscal Impact/Funding Source

The \$500,000 State grant funds from the Florida Department of State 2006-07 Cultural Facilities Program complement the \$47 million total project budget and are dedicated for the purchase of the orchestra shell, a necessary stage component for musical performances.

Track Record/Monitor

The Department of Cultural Affairs (Department) manages all contracts related to the project's construction. The Department has applied for and been successful in securing the award of the third \$500,000 grant from the Florida Department of State Cultural Facilities Program for the South Miami-Dade Cultural Arts Center. These grants are instrumental in partially funding capital components of the Center. The Department is responsible for fulfilling all State grant program requirements, including grant applications, contracts, reporting, and reimbursement requests.

Background

The Center's 966 seat, state-of-the-art theater will include a fly tower, orchestra pit, and back of house support spaces including dressing rooms, storage and work areas, and administrative offices. The front of house spaces feature a box office, restrooms, spaces for concessions, and a three-story high atrium lobby with a dramatic Art in Public Places lighting installation by artist Robert Chambers.

On stage, the orchestra shell is a vital item for achieving the proper acoustics for certain musical presentations. The orchestra (or acoustic) shell is composed of a series of ceiling panels that attach to the stage rigging, and a series of moveable towers that are arranged on stage for performances. The five separate, movable and adjustable towers and the three adjustable ceiling hung elements will serve to enhance the acoustics of performance ensembles by directing the sound from the stage to the audience. The orchestra shell prevents sound from escaping into the fly loft space and stage wings, projects sound into the audience, and improves the acoustical environment on stage, reflecting sound back to the musicians so that they may hear themselves more accurately. The orchestra shell has been included in the project's contract drawings and specifications and was included as an add-alternate for construction bids for the project. Bidders were required to maintain pricing on add-alternates for a period of 180 days. Since these State grant funds were secured after the 180-day period from bidders' responses, current pricing will need to be established. It is anticipated that the \$500,000 of State grant funds will be sufficient for the purchase of the orchestra shell.

It is recommended that the State grant funds for this vital piece of equipment be added to the construction contract to fund a dedicated allowance account to authorize the expenditure of these State grant funds. The construction contract approved by the Board with The Tower Group (TTG), the project's contractor, provides for the establishment of a dedicated allowance account that may be used for "special work deemed desirable by the County to be incorporated into the Contract" (section 1.1.01 of the contract between Miami-Dade County and TTG for the construction of the South Miami-Dade Cultural Arts Center). Work performed under the dedicated allowance account must be authorized by the Department of Cultural Affairs and any balances remaining in the dedicated allowance account belong to the County, subject to the terms of the State Cultural Facilities Program grant. The following table outlines the proposed changes to the construction contract with proposed revisions to the project's contingency account and Inspector General line items being requested in an accompanying change order item forwarded to the Board along with the acceptance and use of this State grant.

	Original Contract Amount	Revised Contract Amount
The Tower Group, Inc. Construction Cost	\$36,238,000	\$36,238,000
Owner-Controlled Contingency (original: 5%, revised: 10%)	\$1,811,900	\$3,623,800
Dedicated Allowance Account for Orchestra Shell	\$0	\$500,000
Sub-Total:	\$38,049,900	\$40,361,800
Office of the Inspector General (.25% of construction cost)	\$90,595	\$100,905
Independent Private Sector Inspector General (.75% of construction)	\$271,785	\$271,785
TOTAL MAXIMUM CONTRACT AMOUNT	\$38,412,280	\$40,734,490

Funds awarded through the 2006-2007 Florida Department of State Cultural Facilities Program are available for projects taking place between July 1, 2006 and June 30, 2007. Encumbrance of the funds must take place before June 30, 2007 and funds must be expended by April 1, 2008. The \$500,000 State grant funds are being matched with \$1,656,000 in existing funds already included in the project's approved budget for other theatrical equipment such as the orchestra lift, stage rigging, and the sound and communications system, which are currently part of the construction contract. Together with the orchestra shell, these components ensure the technological versatility of the Center, enabling it to host theater, dance, music, and a wide variety of civic events.

Construction of the South Miami-Dade Cultural Center began upon issuance of the Notice to Proceed to The Tower Group on December 29, 2005, and is scheduled to be completed by Spring, 2008.


 Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 3(P)(1)(A)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

✓ _____ No committee review