Memorandum

MIAMI-DADE COUNTY

Date: January 13, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Status of Ongoing Work on the Dade County Courthouse at 73 West Flagler Street

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This information is an update to the Board of County Commissioners (Board) on the status of ongoing work on the Dade County Courthouse (DCC) located at 73 West Flagler Street and in response to Resolution R-1084-14, which required a report within 30 days that would set forth the following:

1. Report whether any hazardous conditions currently exist;
2. Establish a process for identifying future hazardous conditions;
3. Establish a relocation plan for court operations;
4. Determine the expected costs of relocation; and
5. Identify the funding sources available to fund emergency repairs and relocation costs, if needed.

1. Reporting Existing Hazardous Conditions

At this time, there are no known existing hazardous conditions at the DCC that may affect the life, health, or safety of judges, employees, visitors, or users. The information below is a description of ongoing work to repair building deficiencies identified by the County through observation, routine building inspections, and testing.

In January 2007, the County entered into a Professional Services Agreement with consultant team Wiss, Janney, Elstner and Associates (WJE), Inc. to develop a comprehensive report on the conditions and restoration recommendations for the DCC. The Facade Restoration project began in 2009 after a re-prioritization of Building Better Communities General Obligation Bond (GOB) funding in order to make the project complete and fully funded. After a competitive procurement process to find a contractor specializing in terra cotta building repair and construction of a historic building, and a lengthy permitting process with the City of Miami, construction began in September 2013. The project consists of the following scope of work: replacing all deteriorated exterior terra cotta cladding elements; repairing the plaza foundation structure; replacing and relocating exterior lighting on the upper floors; sealing and repairing all windows; and replacing all roofs on floors four (4), seven (7), 23, and 24.

The project is 50 percent complete at this time and is scheduled to be complete in June 2016, at which time the building envelope will be fully sealed and there will be no further water intrusion, which has been impacting the operations of the building. To date, the County has expended $13 million of the budgeted $34.8 million on this project.

In 2013, the Internal Services Department (ISD) obtained a structural engineering consultant team to address ongoing flooding in the basement of the DCC and assess any impact to the structural columns of the DCC. US Structures, Inc. (USSi) conducted non-destructive testing of 14 structural columns in the basement and a report was distributed in January 2014. The consultant recommended that remediation repairs be made to the columns and found that the building was able to be occupied because it was structurally sound.

Additional exploratory investigation was conducted by physically exposing the selected columns to ascertain whether any loss of steel both above and below the concrete encasement had occurred. Further non-destructive evaluation was also conducted below the basement level slab and

foundations. The most important finding in these reports relates to the structural integrity of the building, as stated in the Supplemental Condition Report dated April 24, 2014:

> *"Regarding the current use and occupancy of the building, we do not have an immediate concern of collapse or failure based on our observations to date. Buildings of this age have an inherent redundancy built into their design that assists greatly with the overall stability of the structure. However, given the deterioration observed to date along with the estimated loss of steel in some of the tested areas, localized failure may take place in the event of excessive loading (typically experienced during a high wind event such as a hurricane). With that said, we recommend a full evacuation of the building once the National Weather Service issues a formal hurricane warning for the area of the property. The building shall not be used as a shelter or place of refuge in the event of a hurricane."*

The structural work required to remediate the 14 basement columns highlighted in the report after the destructive and non-destructive tests were completed is coming to a close by the end of January. To date, ISD has spent $547,000 on this work and the next phase will require up to $22 million to address the balance of all 144 columns in the building and the long-term effects of tidal flooding. When complete, the 14 columns will have been fully remediated and reinforced as recommended by the structural consultant.

ISD has obtained engineering consultants to conduct a review of the condition of the DCC as a result of the overdue 40 year recertification. Under Section 8-11(f) of the Miami-Dade County Code, the owner of a building that has been in existence for 40 years or longer is required to have the building inspected for the purpose of determining the general condition of the building. The Code dictates the following two (2) key areas of certification as those deemed to be the most important to life safety: the determination of the general structural condition of the building and the general condition of its electrical systems.

The following information lays out the general process for a 40 year recertification that is currently underway at the DCC:

- The owner of a building that has been in existence 40 years or longer will receive from the local Building Official, in this case the City of Miami Building Department, a Notice of Required Inspection and submission of the required 40 Year Recertification Report. After inspections are undertaken by the building owner and its engineer or architect, a Recertification Inspection Report of the findings will be developed, outlining the condition of the building as it pertains to structural and electrical conditions, and any deficiencies and recommendations for further investigation.
- Upon receiving the Initial Recertification Report from its engineer or architect, the owner shall correct any deficiencies noted in the report and have a re-inspection completed in order to achieve a recertification of the building that can be signed and sealed by the engineer or architect. Subsequent recertification shall be required at ten (10) year intervals.

The engineering consultants hired by ISD are expected to complete their Initial Recertification Report in February 2015, which will alert the County of any immediate concerns. It is expected that the final 40 Year Report will find some deficiencies in the building, but not to the level that there are hazardous conditions currently in the DCC.

Minor electrical upgrades, unrelated to building deficiencies or any hazardous conditions, are underway. The County sought state historical preservation grant funds to complete some of this electrical work, but was unsuccessful in obtaining an award. The County will continue to pursue federal or state grants, but these funds are limited and may not be available this year or next. The funds would be used to effectuate upgrades to the electrical panels, electrical risers, circuit breaker boxes, and other electrical lines. This repair work will aid the County in completing work that may be

required to achieve the 40 year recertification. If additional repairs are needed based on the findings in the Recertification Report additional funds will need to be allocated to complete the work.

ISD has continued to work very closely with Administrative Office of the Courts and the Clerk of the Courts in response to complaints of indoor air quality. Floors seven (7), nine (9), 11, 14, 15, 22, and 23 have been remediated to date, with ongoing or scheduled work on floors eight (8), 13, 18, 19, and 20. All other floors were tested and no elevated mold spore counts were reported. Additional inspections by County Building Management staff are scheduled as necessary and remediation is performed based on those results. It is expected that the indoor air quality will improve as the terracotta building façade project is completed and the building envelope is sealed.

In 2013, ISD performed a comprehensive asbestos test to establish a baseline on the location and condition of suspected asbestos containing materials (ACM). The report identified areas with both friable (easily crumbled) and non-friable ACM. ISD divided the abatement work on the identified ACM into two (2) initial phases in order to immediately address the most pressing remediation. Phase 1 has been completed, which included the abatement of non-friable ACM and the restoration of finishes in multiple courtrooms and public areas. Phase 2, which is to remove the identified friable ACM within mechanical areas and closets, is underway during off-hours and is scheduled to be completed in January 2015. ISD will continue to inspect and identify similar areas of suspect ACM and perform additional testing and abatement wherever required.

2. Identifying Future Hazardous Conditions

A process exists for the routine series of yearly inspections that are conducted throughout the year to certify the building's systems are operational. These reports include, but are not limited to, fire pump inspections, sprinkler system inspection, and life safety inspections. Further identification of water leaks and stained ceiling tiles, both produced by condensation lines or broken lines, are routinely addressed by the County Building Management staff. These reports, and other documents, were recently distributed to each Board member in response to an extensive request for documents from Commissioner Juan C. Zapata dated October 31, 2014.

The 40 year recertification process is another existing, more comprehensive process that already exists in the County Code for the purposes of identifying any building deficiencies or hazardous conditions. Any conditions noted in the engineer's report will be completed immediately upon appropriation approval in order to obtain a recertification of the DCC.

3. Relocation Plan for Court Operations

In the event that an emergency requires part or all of the DCC court operations to be relocated to other facilities, the County has identified County-owned assets and other private space, which, through renovation, can be tailored to meet the Court's operational requirements. The time for this type of relocation depends on type (Type 1 or Type 2) and availability of space, but could require up to four (4) months.

While these assets and related spaces are not always ideal in location or design and infrastructure, they can be converted into functional office and court spaces on a temporary basis. A Type 1, or simple renovation, is relatively quick and cost effective, at approximately $60 per square foot. A Type 1 will provide the absolute minimum space and functional requirements for the occupants. A Type 2 renovation is more extensive and costly, at approximately $200 per square foot. This type of renovation is more comprehensive and permanent in nature and will specifically address the occupant's operational needs and requirements. The time required for this type of renovation can take anywhere from nine (9) months for a small space to 18 months, depending on square footage and condition of the selected building and space.

While the availability of County-owned facilities often changes based on needs and demands of other County departments, the following facilities may be available for use after Type 1 or Type 2 renovations were made:

- 140 West Flagler Street Building – An older office space of 135,000 square feet requires major renovations to be used as courtrooms, but could be converted into 12 courtrooms.

- Main Library - 101 West Flagler Street – The third floor vacant space of 50,000 square feet may accommodate eight (8) to ten (10) courtrooms

- Overtown Transit Village South – 601 NW 1 Court – There is new vacant space of 58,000 square feet on three (3) floors that could be converted into nine (9) courtrooms. These spaces are currently in design and programmed for other County agencies.

- New Children's Courthouse – 155 NW 3 Street – This is the newly constructed building with 371,500 total square feet that recently achieved a Certificate of Occupancy. Two (2) courtrooms out of 18 are designed for jury trials. Dependency and delinquency courts are currently programmed to move into the new Children's Courthouse in the coming months.

- Lawson E. Thomas Courthouse and Office Building – 175 NW 1 Avenue - There may be a potential to convert 15,000 square feet of storage area into three (3) or four (4) courtrooms.

- Hialeah Courthouse – 11 East 6 Street - A court area of approximately 2,700 square feet is currently a shell space that could be utilized. This is a County-owned courthouse in good condition and could be built out as one (1) additional courtroom, a judge's chamber, and a jury room.

- Privately owned office space in Downtown Miami – A number of blocks have been identified in "B" or "C" condition buildings that could be rented As much as 60,000 square feet is available in one (1) block. It is anticipated that eight (8) to ten (10) courtrooms could be built in this space. Annual costs could be $23 to $28 per square foot, including base rent, and all operating and specialized court security costs. The DCC at 73 West Flagler Street operates at a cost of approximately $13 per square foot.

4. Relocation Costs

If part or all of the existing courthouse functions need to be relocated, numerous elements must be reviewed prior to developing an overall cost. Factors that must be considered include: (1) the location to be used is a leased space or County-owned; (2) the type of expenses related to the change of use and occupancy of the new design; (3) the type of retrofit desired (Type 1 or Type 2); and (4) the type of infrastructure improvements needed by the new occupants.

An average of the three (3) examples below renders a cost of approximately $140 per square foot. Court related space is typically higher due to furniture, fixture and equipment costs being more expensive for courtrooms and associated court spaces. The overall economy also has a great deal to do with build-out and renovation costs. An approximate cost can calculated using historical data from past County projects:

- To retrofit the Overtown Transit Village South building in 2005, after a finished floor was provided by the developer, the costs were approximately $94 per square foot ($28 million for 300,000 square feet).
- Improvements to a simple building shell space in 2014 (no A/C, flooring, ceiling, etc.) were completed at the West Lot Project, costing approximately $250 per square foot ($13 million for 52,000 square feet).

- Minor renovation of a floor at the Stephen P. Clark Center is approximately $74 per square foot today ($1.3 million by 17,500 square feet).

5. Funding Sources

Costs required for relocation as described above are not currently funded, and would have to come from the GOB Program Project No. 180 currently designated for the expansion of court facilities in accordance with the master plan. The balance of funds available in GOB Project No. 180 is currently $78 million.

Additional information is forthcoming as required per Resolution R-1084-14. Per Ordinance 14-65, this memorandum will be placed on the next available Board of County Commissioners meeting agenda.

If you have any questions or concerns, please contact Deputy Mayor Edward Marquez at 305-375-1541.

c: Honorable Chief Judge Bertila Soto
Honorable Harvey Ruvin, Clerk of Courts
Robert A. Cuevas, Jr., County Attorney
Office of the Mayor Senior Staff
Jennifer Moon, Director, Office of Management and Budget
Lester Sola, Director, Internal Services Department
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