

Office of Superintendent of Schools  
Board Meeting of October 11, 2000

October 6, 2000

Facilities Planning and Construction  
Paul J. Phillips, Chief Facilities Officer

**SUBJECT: REQUEST TO DECLARE EMERGENCY AND WAIVE BIDDING PROCEDURES FOR CORRECTING LIFE SAFETY DEFICIENCIES**

On June 21, 2000, the Board approved the sum of \$30 million to correct life safety deficiencies, which had been identified in schools throughout the District. These deficiencies include items identified by the Board's State certified inspectors as well as local Fire Marshals. Deficiencies are identified as either operational, maintenance or capital in nature. As of this date, significant progress has been made, by having operational and maintenance deficiencies almost entirely addressed and eliminated. The capital issues involve longer term planning, design, budgeting and construction, and therefore take longer to resolve.

As the Board is aware, a group of parents individually and on behalf of their children filed a class action suit this year to compel the Board to address these issues. Staff was already aware of most of the capital issues involved and plans were in process for the correction of the majority of them. Nevertheless, continuing its commitment to provide safe schools, M-DCPS reached an understanding with the Department of Education to voluntarily resolve these issues, particularly referring to the capital issues identified including those relating to secondary egress issues. These repairs are to be completed by mid-February 2001. In order to meet this goal, the Superintendent committed to request the Board to declare these repairs in the nature of an emergency so that bidding and other procurement related requirements could be waived.

Voluntarily addressing the secondary egress issues does not, however, change the Board's position in the pending class action litigation. The Board's legal counsel maintains that the plaintiffs cannot properly bring the legal actions against the Board, and further maintains that the Board is under no duty to undertake repairs to modify existing facilities as a result of changes in building codes, and its actions in doing so cannot be construed as a waiver of this position.

The most expedient delivery method to accomplish this type of work, within the time constraints, is the design-build approach. Staff has identified five (5) design build firms to be considered by the Board for assignment of these projects. Firms were identified based on the following criteria: a) Presently having contracts with M-DCPS; b) having the necessary resources to carry-out the work expeditiously; c) quality of experience and track record in working with educational facilities; d) commitment to assist the Board in executing the work. The five firms identified by staff are: 1) SBR Joint Venture; 2) Turner

Construction; 3) General Contractors & Construction Management, Inc (GCCM).; 4) Betancourt, Castellon & Associates (BCA); and 5) Jasco Construction Company, Inc.

Therefore, in order to expeditiously correct the life safety deficiencies, staff requests the Board to consider the following: 1) Declare the correction of life safety issues requiring capital modification to existing facilities to be of an emergency nature; 2) authorize the Superintendent to waive such bidding and procurement requirements as necessary to comply with the time frame committed to the Department of Education; 3) assign the five design builders identified by staff as listed above to execute these projects; and 4) authorize the Superintendent, or Superintendent's designee, to negotiate with the design builders, award or reject construction bids and proposals, and report the results at the earliest regularly scheduled Board Meeting immediately following that action.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

- 1) declare the correction of life safety issues requiring capital modification to existing facilities to be of an emergency nature;
- 2) authorize the Superintendent to waive such bidding and procurement requirements as necessary to comply with the time frame committed to the Department of Education;
- 3) assign the five design builders identified by staff as listed above to execute these projects; and
- 4) authorize the Superintendent, or the Superintendent's designee, to negotiate with the design builders, award or reject construction bids and proposals, and report the results at the earliest regularly scheduled Board Meeting immediately following that action

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