

Merrett R. Stierheim, Superintendent of Schools

**SUBJECT:            PROPOSED AMENDMENT OF BOARD RULE: INITIAL READING  
6Gx13-7B-1.02, ARCHITECTURAL, ENGINEERING, AND  
INSPECTION SERVICES—AUTHORITY OF SUPERINTENDENT OF  
SCHOOLS TO EMPLOY**

**COMMITTEE:        LEGISLATIVE RELATIONS AND POLICY DEVELOPMENT**

This item is submitted for consideration by the Board to amend School Board Rule 6Gx13-7B-1.02, Architectural, Engineering and Inspection Services - Authority of Superintendent of Schools to Employ.

The above referenced Board Rule was last amended on November 14, 2001. One of the revisions made reflected language to expand the role of Building Code Consultants to provide services for the school district other than code enforcement.

The disadvantage in being permitted to do other work is that various Building Code Consultants often review and inspect one another, creating the possibility of a conflict of interest. The integrity of the code enforcement process, and the daily decisions involving and affecting life-safety are of paramount concern.

Therefore, it is the recommendation of the Superintendent and staff that the language to the rule be amended to reflect that the Building Code Consultants be limited to only provide code enforcement services for the school district during the term of their contract.

Attached are Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceeding in accordance with Administrative Procedure Act for amendment of Board rule 6Gx13-7B-1.02, Architectural, Engineering and Inspection Services - Authority of Superintendent of Schools to Employ.

A-4

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Rule 6Gx13- 7B-1.02, Architectural, Engineering and Inspection Services - Authority of Superintendent of Schools to Employ.

MRS/RLG:mh

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 12, 2003, its intention to amend Board Rule 6Gx13- 7B-1.02, Architectural, Engineering, and Inspection Services--Authority of Superintendent of Schools to Employ, at its meeting of April 9, 2003.

**PURPOSE AND EFFECT:** To establish new limitations in the type of services to be provided by Building Code Consultants.

**SUMMARY:** The intent of the amendment to the rule is to comply with state requirements for building code enforcement and School Board practice.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

**LAW IMPLEMENTED OR MADE SPECIFIC:** 1013.01(12);1013.38(b); 287.055; 468 Part XII F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF April 9, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by March 11, 2003 to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Merrett R. Stierheim  
Date: January 29, 2003

Designing**ARCHITECTURAL, ENGINEERING, AND INSPECTION SERVICES --  
AUTHORITY OF SUPERINTENDENT OF SCHOOLS TO EMPLOY**

## I. Rationale

The Superintendent of Schools shall recommend professional architectural and engineering consultants to the Board for commissioning in accordance with the **Procedures for the Selection of Architects and Engineers**, **Procedures for the Selection of Building Code Consultant**, **Procedures for the Selection of Architectural/Engineering Projects Consultant (APC/EPC)**, and the **Procedures for the Selection of Construction Management Services** as approved by the Board, which are incorporated herein by reference and are a part of this Board Rule. The Board shall, in open meeting, commission all project architects and engineers, except the projects estimated to cost \$500,000 or less are to be assigned as described below.

## II. Services

## A. Design/Construction Supervision - Projects under \$500,000

These services shall be provided by separate consultants: Architectural Projects Consultants (APC) who may be assigned projects estimated to cost \$500,000 or less, which are predominantly architectural in nature and content; and Engineering Projects Consultants (EPC) who may be assigned projects estimated to cost \$500,000 or less which are predominantly engineering in nature and content. The ~~Chief Facilities Officer, (Construction)~~, Administrative Director, Facilities Construction or designee, or the ~~Chief Facilities Officer, (Maintenance)~~, Administrative Director, Maintenance Operations or designee, will analyze the project requirements and make the determination regarding which design discipline is predominant, and which consultant is best able to handle the project.

The ~~Chief Facilities Officer, (Construction)~~, Administrative Director, Facilities Construction or designee, or the ~~Chief Facilities Officer, (Maintenance)~~, Administrative Director, Maintenance Operations or designee, will also review the backlog of such projects and, as necessary, select and recommend the commissioning of additional consulting firms pursuant to the **Procedures for the Selection of Architects and Engineers**, or reassigning projects as necessary for expeditious completion of projects.

Maintenance is defined as per Florida Statute ~~235.011(12)~~  
1013.01(12).

- B. Technical Review services and Building Code Inspection and Review services shall be performed by the same entity. Within the District, the functions of a Building Department shall be established in accordance with Florida Statute ~~235.26~~ 1013.38(b) and 468 Part XII. The Office of Prequalifications and Educational Facilities Compliance shall perform the functions of the Building Department, create and implement all necessary administrative procedures, and present to the Board such matters as required for Board approval. Among other duties, the office shall coordinate, monitor and oversee the Building Code Inspection and Technical Review services. The person in charge of the office shall be known as the Building Official as defined in Florida Statute 468.603.

1. Inspection Services

The Building Code Consultant (BCC) must have full architectural and engineering capabilities, however, joint ventures will be considered.

Inspections by the BCC will not supplant those inspections required for the Project Architect or the Architectural and/or Engineering Projects Consultants to ensure that the work is in accordance with their design and meets the specifications in regard to quality, methods of performance and standard construction practices.

The BCC will be concerned with Building Code enforcement and technical review.

2. Technical Review Services

The Building Code Consultant (BCC) must have full architectural and engineering capabilities, however, joint ventures will be considered.

The BCC will be responsible for ensuring that all submittals conform to the various Board, State, and other code requirements.

The BCC will not be considered for any architectural/engineering or construction management

projects or assignments, for which the BCC is to provide technical and/or code review or inspection services, either solely or in partnership or joint venture with other individuals or firms, during the tenure as BCC.

- C. Projects estimated to cost \$200,000 or less may be approved and assigned to the Capital Improvement Force by the ~~Chief Facilities Officer, (Construction)~~, Administrative Director, Facilities Construction or designee, or approved and assigned to Maintenance Operations by the ~~Chief Facilities Officer, (Maintenance)~~, Administrative Director, Maintenance Operations or designee.

Maintenance is defined as per Florida Statute ~~235.011(12)~~ 1013.01(12).

- D. Projects assigned by the ~~Chief Facilities Officer, (Construction)~~, Administrative Director, Facilities Construction or designee, or the ~~Chief Facilities Officer, (Maintenance)~~, Administrative Director, Maintenance Operations or designee, may be discontinued at the discretion of the ~~Chief Facilities Officer~~ Administrative Director,

Maintenance is defined as per Florida Statute ~~235.011(12)~~ 1013.01(12).

- E. Project assignment and approval procedures for APC/EPC projects less than \$500,000:

1. The assignment of projects shall initially be based upon the best available unofficial estimate of cost. Except in case of emergency, prior to commencing the design work, the APC or EPC shall develop a detailed cost estimate and, where applicable, completion schedule.
2. The official assignment of a project shall be confirmed through the approval of the detailed official cost estimate and schedule, which shall be submitted to the ~~Chief Facilities Officer, (Construction)~~, Administrative Director, Facilities Construction or designee, or the ~~Chief Facilities Officer, (Maintenance)~~, Administrative Director, Maintenance Operations or designee, within 30 days of the original assignment date.
3. Upon approval or confirmation of approval by the ~~Chief Facilities Officer, (Construction)~~, Administrative

Director, Facilities Construction or designee, or the ~~Chief Facilities Officer, (Maintenance)~~; Administrative Director, Maintenance Operations or designee, work will commence on the project, and its status will be reported monthly.

Maintenance is defined as per Florida Statute ~~235.011(12)~~ 1013.01(12).

- F. The ~~Chief Facilities Officer, (Construction)~~; Administrative Director, Facilities Construction or designee, and the ~~Chief Facilities Officer, (Maintenance)~~; Administrative Director, Maintenance Operations or designee, shall determine which projects are to be constructed through the utilization of Construction Management Services.

Construction Management Services will include the coordination of contractors during the construction phase of projects.

Specific Authority: ~~230.22(2); 230.23(22)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S. Law Implemented, Interpreted, or Made Specific: ~~230.23005(2)(d)(4); 235.26 1013.01(12); 1013.38(b)~~; 287.055; 468 Part XII F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Change: 5-1-98

Amended: 4-19-89; 9-5-90; 5-8-91; 9-25-91; 11-6-91; 12-19-91; 11-2-94; 10-21-98; 11-14-01