

Business Operations
Larry W. Stanearth, Chief Business Officer

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

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

This item is submitted for consideration by the Board to amend the Board rule and to modify procedures manuals to increase the amount of continuing contracts for projects under \$500,000 (current limit) and study activities under \$25,000 (current limit) to the statutory limits authorized in Section 287.055(2)(g) of the Florida Statutes. The statutory limit currently authorizes continuing contract projects up to \$1 million and study activities up to \$50,000. This amendment would expedite delivery of projects by providing professional services to the School District for construction costs that do not exceed the statutory limit, and for study activities when the fee does not exceed the statutory limit.

The proposed amendment of School Board Rule 6Gx13- 7B-1.02, Architectural, Engineering, and Inspection Services -- Authority of Superintendent of Schools to Employ, and the documents, *Procedures for the Selection of Architects and Engineers*, *Procedures for the Selection of Architectural/Engineering Projects Consultant (APC/EPC)*, and *Procedures for the Selection of Construction Management Services*, which are incorporated by reference and are a part of this rule, would increase the limits for continuing contracts and remove obsolete language.

In an effort to expedite the selection of continuing contracts, with higher limits, staff has implemented parallel advertisements with these rule-making proceedings contingent on Board approval of the rule changes. Additional modifications to the rule and the documents will be forthcoming in order to address any procedural issues identified by the Superintendent of Schools, the Miami-Dade Land Acquisition and Facilities Advisory Board, OPPAGA, State Auditor, Sterling and the Construction Retreat results.

Attached are the 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.

Copies of the documents, *Procedures for the Selection of Architects and Engineers*, *Procedures for the Selection of Architectural/Engineering Projects Consultant (APC/EPC)*, and *Procedures for the Selection of Construction Management Services*, will be forwarded to the School Board Members under separate cover prior to the School Board meeting of April 9, 2003, and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13-7B-1.02, Architectural, Engineering, and Inspection Services – Authority of Superintendent of Schools to Employ, and to modify the documents, *Procedures for the Selection of Architects and Engineers*, *Procedures for the Selection of Architectural/Engineering Projects Consultant (APC/EPC)*, and *Procedures for the Selection of Construction Management Services*, which are incorporated by reference and are a part of this rule.

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 School Board Rule 6Gx13-7B-1.02, Architectural, Engineering, and Inspection Services - Authority of Superintendent of Schools to Employ, and to modify the documents, *Procedures for the Selection of Architects and Engineers*, *Procedures for the Selection of Architectural/Engineering Projects Consultant (APC/EPC)*, and *Procedures for the Selection of Construction Management Services*, which are incorporated by reference and are a part of this rule.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 9, 2003, its intention to amend School Board rule 6Gx13-7B-1.02, Architectural, Engineering, and Inspection Services -- Authority of Superintendent of Schools to Employ, and the documents, *Procedures for the Selection of Architects and Engineers*, *Procedures for the Selection of Architectural/Engineering Projects Consultant (APC/EPC)*, and *Procedures for the Selection of Construction Management Services*, at its meeting of May 14, 2003.

PURPOSE AND EFFECT: To amend obsolete language and update mandated selection procedures governed by Florida Statutes. This amendment would also increase the amount of continuing contracts up to \$1 million and study activities up to \$50,000.

SUMMARY: The proposed amendment to the rule and modification of the documents would permit continuing contracts and study activities to be increased to the current statutory limits as provided in Section 287.055(2)(g), Florida Statute. The amendment will modify and update the current Architectural/Engineering (AE) selection procedures.

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: 287.055; 468 Part XII; 1001.43(2)(d); 1013.37; 1013.38; 1013.45; 1013.371; F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF May 14, 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 May 5, 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, at 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Ana Rijo-Conde
Supervisor: Mr. Larry W. Stanearth
Date: March 19, 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; APC/EPC contracts for projects in which the construction costs or study activity do not exceed except the projects estimated to cost the statutory limits as prescribed in Section 287.055(2)(g), of the Florida Statutes. \$500,000 or less The projects are to be assigned as described below.

II. Services

A. Design/Construction Supervision - Projects under the statutory limits \$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 Business Officer, 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 Business Officer, 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~~ Section 1013.01(12), Florida Statute.

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 within the District~~ shall be established in accordance with ~~Florida Statute Chapter 468 Part XII and 1013.38(b) Florida Statutes~~. 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, 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 or approved and assigned to Maintenance Operations by the Chief Business Officer, or designee.

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

- D. Projects assigned by the Chief Business Officer, or designee, may be discontinued at the discretion of the Chief Business Officer.

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

- E. Project assignment and approval procedures for APC/EPC projects under the statutory limits 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 Business Officer, or designee, within 30 days of the original assignment date.
3. Upon approval or confirmation of approval by the Chief Business Officer, or designee, work will commence on the project, and its status will be reported monthly.

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

- F. The Chief Business Officer, 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: 1001.41(1)(2);1001.42(22);1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 287.055; 468 Part XII; 1001.43(2)(d);
1013.01(12);1013.38(b) 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; 4-9-03