

Business Operations
Ofelia San Pedro, Deputy Superintendent

SUBJECT: AUTHORITY TO AMEND THE AGREEMENT WITH ZYSCOVICH, INC., FOR THE ADDITION PROJECT AT OJUS ELEMENTARY SCHOOL AND CONVERT IT FROM DESIGN CRITERIA PROFESSIONAL (DCP) SERVICES TO PROJECT ARCHITECT/ENGINEER (A/E) SERVICES PROJECT NO. A0821

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

Introduction

On December 10, 2003, the Board commissioned Zyscovich, Inc. (Zyscovich) to provide Design Criteria Professional (DCP) services for the Addition Project at Ojus Elementary School. Due to a subsequent increase in the entire scope, complexity and cost of the project, an amendment to the original DCP contract (authorizing a re-negotiation of their DCP fees) was approved by the Board on January 19, 2005. Since then, the District has issued two separate Request For Qualifications (RFQ) seeking proposals from Design-Build firms to construct this project. However, on neither occasion did the District receive the minimum number of proposals required by State law and Board rule (i.e., no less than three proposals) and therefore staff could not proceed to execute this project. As a result, in order to avoid any further delays, the delivery method for this project is being converted from the originally anticipated Design-Build method to Construction Management At-Risk.

The conversion of the project delivery method will enable the District to proceed immediately with completion of the design development and construction documents for this project. In order to do so, staff has negotiated with Zyscovich to convert their agreement from DCP services to full architectural/engineering services and thereby serve as the Project Architect/Engineer (A/E). Negotiations with Zyscovich to provide full architectural/engineering services for this project have been successfully completed.

Project Scope

The estimated construction cost and scope of work for this project includes the following:

- A new three-story addition, consisting of approximately 43,800 square feet, which will house 538 new student stations.
- A full cafeteria, kitchen, and stage (with adjoining male and female dressing rooms).
- Two new hardcourts, playfield and playground equipment, parent drop-off loop and covered walkways to the main school building.
- Removal of existing portables, new service yard and parking areas, new P.E. shelter, and renovation of existing restrooms and equipment storage room.

- In order to minimize disruption of the on-going school operations, the construction work for this project will be carried out in three phases as follows:
 1. Construction and occupancy of the new classroom addition.
 2. Removal of all classroom portables.
 3. Completion of the remainder of the work.
- The construction of the new classroom addition is scheduled to be completed by November 2006; the remainder of the project is scheduled to be completed by June 2007.
- The current estimated construction cost for this project is \$7,318,482.

Terms and Conditions

The lump sum basic services fee agreed to by Zyscovich to provide full A/E services for this project is \$560,030. The fee represents approximately 7.65% of the estimated construction cost of \$7,318,482. A breakdown of the basic services fee is as follows:

• Scope/Program Validation	\$ 7,680 (Same as DCP contract)
• System/Utilities Verification	\$ 7,100 (Same as DCP contract)
• Phase I (100%)	\$ 65,000 (Same as DCP contract)
• Phase II (100%)	\$110,000 (New Fee)
• Phase III (100%)	\$185,000 (New Fee)
• Bidding / Award Services	\$ 11,250 (Revised Fee)
• Construction Administration Services	\$152,000 (Revised Fee)
• Punchlist / Closeout Services	\$ 18,000 (Revised Fee)
• Warranty Services	<u>\$ 4,000 (Revised Fee)</u>

TOTAL BASIC SERVICES FEE \$ 560,030

In addition to the above, the following services, to be utilized at the option of the Board's designee, were also negotiated:

- The A/E will provide up to 120 site visits during construction at a fee of \$250/visit (a total of \$30,000).
- A not-to-exceed fee of \$9,800 for a traffic engineering study.
- A not-to-exceed fee of \$12,000 for a food services consultant.
- A not-to-exceed fee of \$8,000 for layout and coordination of all furniture, fixtures and equipment.
- A not-to-exceed fee of \$27,000 for threshold inspections during construction, if requested by the Board.

Other terms and conditions were negotiated as follows:

- The fee for preparation of a Design Criteria Package (as required under the original Design-Build delivery method) will be paid to Zyscovich on a pro-rata basis, in accordance with the percentage of completion, as determined by the Board's designee.
- A future fee of \$5,000 for any re-use and adaptation of the A/E's design documents, if so determined by the Board, at another school site.
- The multiplier for hourly compensation is limited to 2.45 for extra work.
- The A/E principals' rate is set at \$125/hour.
- The Board shall reimburse the A/E for procuring a project specific professional liability insurance policy of no less than \$1.0 million (the actual limits of coverage to be determined by the Board's designee) with a maximum deductible of \$50,000.
- The Board shall reimburse the A/E for the cost of reproducing Board requested contract documents, on a direct cost basis.
- The agreement provides for termination by the Board, with or without cause, upon thirty (30) days written notice to the A/E; whereas, the A/E may terminate the agreement, with cause only, upon thirty (30) days written notice to the Board.

Zyscovich has agreed to the above terms and conditions for the conversion of their DCP to A/E agreement for this project.

Principals

The principals for Zyscovich are Bernard Zyscovich and Jose Murguido. The firm is located at 100 N. Biscayne Boulevard, 27th Floor, Miami, Florida 33132.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize an amendment to the agreement with Zyscovich, Inc., for the Addition Project at Ojus Elementary School - Project No. A0821, and convert it from Design Criteria Professional (DCP) services to Project Architect/Engineer (A/E) services, as follows:

- 1) a lump sum basic services fee of \$560,030, to provide full A/E services, which represents approximately 7.65% of the current estimated construction cost of \$7,318,482 for this project; and,
- 2) other terms and conditions as set forth in the body of this agenda item.

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