

Office of School Facilities
Rose Diamond, Chief Facilities Officer

SUBJECT: COMMISSIONING OF JAMES A. CUMMINGS, INC., AS CONSTRUCTION MANAGEMENT (CM) AT-RISK FIRM FOR THE NEW MIDDLE SCHOOL PROTOTYPE PROJECTS AT THE FOLLOWING THREE SITES:

- **STATE SCHOOL "MM-1" (PROJECT NO. A0725): TO BE LOCATED AT N.W. 92 AVENUE & 119TH STREET (RELIEF FOR JOSE MARTI MIDDLE & HENRY H. FILER MIDDLE SCHOOLS)**
- **STATE SCHOOL "UU-1" (PROJECT NO. A01020): TO BE LOCATED AT S.W. 26 STREET (CORAL WAY) & 152TH AVENUE (RELIEF FOR PAUL W. BELL MIDDLE, W.R. THOMAS MIDDLE & HOWARD A. DOOLIN MIDDLE SCHOOLS)**
- **STATE SCHOOL "PP-1" (PROJECT NO. A01026): TO BE LOCATED AT N.E. 207 STREET & 2ND AVENUE (RELIEF FOR NORLAND MIDDLE & PARKWAY MIDDLE SCHOOLS)**

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

Introduction

On October 20, 2004, the Board authorized the implementation of a new prototype school program (i.e., an Early Childhood Center, Elementary School, Middle School and K-8 Center prototypes). The new program will incorporate all of the activities involved in the creation of new schools from research and development to construction close-out. The issues of school size, design quality, and planning for future capacity needs will be simultaneously addressed. The designs developed for the new prototype program are intended to serve as the models for future schools, incorporating refined design criteria, standardized construction details, and building systems.

Staff has identified three initial sites for each of the new prototype schools, with the goal of designing and constructing each prototype facility on their respective sites simultaneously. The sites designated by staff for construction of the initial three Middle School prototype facilities are as follows:

- **State School "MM-1" (Project No. A0725): To be located at NW 92 Avenue & 119 Street (Relief for Jose Marti Middle & Henry H. Filer Middle Schools).**
- **State School "UU-1" (Project No. A01020): To be located at SW 26 Street (Coral Way) & 152 Avenue (Relief for Paul W. Bell Middle, W.R. Thomas Middle & Howard A. Doolin Middle Schools).**

- State School "PP-1" (Project No. A01026): To be located at NE 207 Street & 2 Avenue (Relief for Norland Middle & Parkway Middle Schools).

On April 13, 2005, the Board commissioned the firm of Spillis Candela DMJM as the Project Architect (A/E) for the Middle School prototype facility. Since then, an extensive research and development phase has been conducted and finalized by the A/E (in conjunction with the A/E firms commissioned by the Board for the other prototype facilities). The design documents for each prototype are now being developed by the respective A/E firms.

In order to construct the Elementary, Middle & K-8 Center prototype, the District issued a Request For Qualifications (RFQ) to select Construction Management (CM) At-Risk firms to build these prototype projects. The results of the selection process are as follows.

Selection Process

Of the eight (8) firms that applied for this project, seven (7) firms were interviewed by the Selection Committee on July 5, 2005, and were ranked as follows:

1. Pirtle Construction Company
2. Suffolk Construction Company, Inc.
3. James A. Cummings, Inc.
4. Skanska USA Building, Inc.
5. Pavarini Construction Company
6. Soares Da Costa Contractor, Inc.
7. MK Contractors, LLC

Note: The following firm withdrew from the Selection Committee interviews:

- Betancourt Castellon Associates, Inc.

The Selection Committee was comprised of the following individuals:

<u>Committee Member</u>	<u>Representing</u>
Dr. Bhagwan Gupta	Office of the Superintendent
Richard Vidal	School Operations
Victor Alonso	Office of Capital Improvement Projects
Carlos Bravo	Office of Capital Improvement Projects
Carl Nicoleau	Maintenance Operations
Brad Powell	Educational Facilities Compliance
Dennis Caserta	Business Development and Assistance
Alberto Destrade (non-voting)	A/E Selection, Negotiations & Design Mngt.

Given the results of the Selection Committee interviews, staff has assigned the Elementary, Middle & K-8 Center prototype projects as follows:

- Elementary Prototype: Suffolk Construction Company, Inc.
- Middle Prototype: James A. Cummings, Inc.
- K-8 Center Prototype: Pirtle Construction Company

Given the results of the Selection Committee interviews, staff proceeded to negotiate with the third ranked firm, James A. Cummings, Inc. (Cummings), to provide CM At-Risk services for the Middle School prototype. The negotiations with Cummings have been successfully completed.

Terms and Conditions

The agreement negotiated by staff contains the following terms and conditions:

1. Cummings agrees to provide the requisite pre-construction services for this prototype, including, but not limited to, the following:
 - Review all design and construction documents prepared by the Project Architect, as well as all existing on-site and off-site conditions, to ensure constructability of the project.
 - Provide the District with value engineering analysis, cost saving recommendations and estimates throughout the various phases of design.
 - Prepare a master construction schedule to identify potential time saving measures and to facilitate the timely completion of all three prototype projects.
 - Coordinate with District staff and Project Architect to ensure that all the necessary on-site and off-site testing, permitting applications and regulatory agency reviews are accomplished.
 - Identify all the various bid packages needed to successfully execute the three projects, and conduct pre-bid conferences with qualified sub-contractors, material suppliers and equipment vendors.

2. Cummings agrees to submit a Guaranteed Maximum Price (GMP), based on the sum of accepted low sub-contract bids and general conditions, profit and overhead, at 50% completion of the construction documents for these projects. The primary goals of this 50% GMP submittal are as follows:
 - If accepted by the District, the 50% GMP will facilitate an earlier start of construction packages (such as the foundation and underground work) and therefore an earlier finish date for the projects. The scheduled occupancy dated for the entire project will be accelerated allowing us to meet our goal of occupancy in **December 2007**.
 - The 50% GMP submittal will also provide the District with an earlier opportunity to assess the actual cost to construct these projects and to determine what impact, if any, it has on the construction budget, project scope and/or value engineering options.
 - If the 50% GMP submittal is accepted, the District reserves the right to request that specific portions of the GMP be re-bid (on or about 100% completion of the construction documents) in order to seek a potential reduction of the overall construction cost for these projects.
 - In the event that the 50% GMP submittal is rejected, the District will have several options it may exercise including, but not limited to, directing the CM at-Risk firm to re-bid the projects or discontinuing the services of the CM at-Risk firm, or constructing the projects by the using an alternate delivery method.

Depending on which option the District elects to exercise; the project schedule will be adjusted accordingly.

- Upon submittal of the 50% GMP or any subsequent re-bid that may take place thereafter, staff will submit its recommendation to the Board, to accept or reject the proposed GMP or any portion thereof.
3. The agreed to lump sum fees to provide pre-construction services for the Middle School prototype projects are as follows:
 - A lump sum fee of \$130,000 for the initial prototype facility.
 - A lump sum fee of \$65,000 for the second and third facilities, respectively.
 - A total fee of \$260,000 for pre-construction services for the three projects, which represents approximately 0.44% of the estimated construction cost of \$59.0 million for all three projects.
 4. The cost of printing, when authorized by M-DCPS, shall be reimbursed by the Board on a direct cost basis.
 5. The agreement provides for termination by the Board, with or without cause, upon thirty (30) days written notice to Cummings; whereas, Cummings may terminate the agreement, with cause only, upon thirty (30) days written notice to the Board.
 6. The Board is under no obligation to assign a minimum number of projects or minimum value to the CM at-Risk firm under this agreement.
 7. Upon completion of the pre-construction services, the CM at-Risk firm shall negotiate a Guaranteed Maximum Price (GMP) for the construction project. Staff will then submit the negotiated GMP for Board approval.
 8. Cummings has agreed to all terms and conditions of the agreement.

Prior Commissioning and Performance Evaluation

The Board has not commissioned Cummings for any projects within the last three years. No performance evaluation data is available for this firm at this time.

Principals

The Principals/Owners of Cummings are William R. Derrer and Michael F. Lanciault. The office is located at 3575 N.W. 53 Street, Fort Lauderdale, Florida 33309.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, commission the firm of James A. Cummings, Inc., as Construction Management (CM) At-Risk firm for the new Middle School prototype projects at three sites (State School "MM-1", Project No. A0725, State School "UU-1", Project No. A01020, and State School "PP-1", Project No. A01026), as follows:

- 1) a total lump sum fee of \$260,000 for pre-construction services for all three prototype projects, which represents approximately 0.44% of the estimated construction cost of \$59.0 million for the three projects; and,
- 2) all other terms and conditions, as set forth in the body of this agenda item.

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