

Office of School Facilities
Rose Diamond, Chief Facilities Officer

SUBJECT: COMMISSIONING OF JAMES A. CUMMINGS, INC., AS CONSTRUCTION MANAGEMENT AT-RISK FIRM FOR STATE SCHOOL "JJJ" (RELIEF SCHOOL FOR BARBARA GOLEMAN SENIOR HIGH SCHOOL), PROJECT NO. A0742

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

Introduction

Staff has completed the selection process for a Construction Management (CM) at-Risk firm for the new senior high school State School "JJJ". Three (3) firms applied for this project. All three (3) firms were interviewed by a Selection Committee on July 11, 2005, and were ranked as follows:

1. James A. Cummings, Inc.
2. Centex Construction
3. Skanska USA Building, Inc.

The Selection Committee was composed of the following individuals:

<u>Committee Member</u>	<u>Representing</u>
Dr. Bhagwan Gupta	Office of the Superintendent
Richard Vidal	School Operations
Erick Laventure	Office of Capital Improvement Projects
Chuks Chinyere	Office of Capital Improvement Projects
Ray Davis	Maintenance Operations
Sergio Castellano	Educational Facilities Compliance
Dennis Caserta	Business Development and Assistance
Nelly Fuentes (non-voting)	Office of Management and Compliance Audits
Sharon Grau (non-voting)	A/E Selection, Negotiations & Design Mngt.

Project Scope

The scope of work for State School "JJJ" includes the following:

- A new, multi-story, prototype senior high school, consisting of approximately 303,000 square feet of new construction, designed to house 2,850 student stations, based upon the Facilities List approved by the Board on October 23, 2003.

- The new school will be based on the "School-Within-A-School" concept for grades 9-12, and will include general classrooms, administration spaces, media center, vocational classrooms, a complete auditorium with music labs, full cafeteria and kitchen with interior and exterior dining, a full gymnasium/physical education facility, and Emergency Hurricane Protection Area (EHPA) provisions.
- Extensive on-site and off-site improvements, including, but not limited to, wetlands mitigation, de-muck and fill of the entire 56.2 acre site (including adjacent sites for future prototype elementary and middle schools), right-of-way improvements, traffic control devices and signalization, as well as all necessary utility, water and sewer connections.
- The new campus will also include staff/visitor and student parking areas; new bus and parent drop-offs, new play fields, hardcourts and other related site work.

The entire project is scheduled to be completed and ready for occupancy by May 2008. However, the CM at-Risk firm shall submit separate Guaranteed Maximum Prices (GMPs) for the mitigation, de-mucking and filling portion of the project, and a GMP at completion of 50% construction documents. If the GMPs are accepted by the Board, the scheduled completion date for the entire project will be accelerated by up to three months, with a new target completion date of February, 2008.

Given the results of the Selection Committee interviews, staff proceeded to negotiate with the top ranked firm, James A. Cummings, Inc. (Cummings), to provide CM At-Risk services for the referenced project. 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 the project.
 - 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 project, 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 the project. 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 site mitigation, demucking and fill, foundation and underground work) and therefore an earlier finish date for the project.
 - The 50% GMP submittal will also provide the District with an earlier opportunity to assess the actual cost to construct these project 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 the project.
 - 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 project or discontinuing the services of the CM at-Risk firm, or constructing the project 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 negotiated lump sum fee for pre-construction services is \$320,000, which represents approximately 0.48% of the estimated construction cost of \$66.0 million for this project;
4. Costs for printing, as 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 the CM at-Risk firm; whereas the CM at-Risk firm 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; and
8. Cummings has agreed to the terms and conditions of the contract.

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 At-Risk firm for State School "JJJ" (Relief school for Barbara Goleman Senior High), Project No. A0742, as follows:

- 1) a lump sum fee of \$320,000 for pre-construction services, which represents approximately 0.48% of the estimated construction cost of \$66.0 million for this project; and
- 2) all other terms and conditions, as set forth in the body of this agenda item.

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