

Office of School Facilities  
Rose Diamond, Chief Facilities Officer

**SUBJECT: COMMISSIONING OF ZYSCOVICH, INC. AS ARCHITECT/ENGINEER  
OF RECORD FOR NEW STATE SCHOOL "TT-1" (TO SERVE  
HOMESTEAD'S EDUCATIONAL FACILITIES BENEFIT DISTRICT)  
A RE-USE OF THE K-8 PROTOTYPE  
PROJECT NO. A01106**

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

### **Introduction**

On April 13, 2005, the Board approved an Agreement between the Board and Homestead's Educational Facilities Benefits District (EFBD) for the financing of a 2,120 student station K-8 facility within the EFBD. Per the Agreement, the EFBD was responsible to design and build the facility, with approximately \$40.1 million (design, construction and FF&E) in funding from the Board. At completion, the facility and premises were to be turned over to the Board. This K-8 was intended to be the first of three K-8s to be developed by the EFBD.

To date, construction of the first K-8 facility has not commenced due to delays with environmental permitting, and the EFBD has requested that the Board take over the design and construction of the K-8 facility, to increase the likelihood that the school will be completed for the 2008 school opening. The EFBD has committed to turn over a ready-to-build site (site mitigation, de-mucking, cut, fill and rough grading completed) to the Board by November 30, 2006. The EFBD will remain responsible for building two additional K-8 facilities, to be financed by impact fees and property owner assessments.

Also at the April 13, 2005, Board meeting, the Board commissioned the firm of Zyscovich, Inc., as Architects/Engineers (A/E) of Record for the District's new K-8 prototype facility. The April commissioning included three sites, with pre-negotiated fees for future additional K-8 sites.

Staff has determined that the K-8 prototype meets the requirements of the EFBD, and a re-use will expedite both the design and construction phases of the project. Construction is anticipated to commence January 2007, with occupancy scheduled for August 2008.

Negotiations with Zyscovich, Inc. have been successfully concluded as follows:

### **Project Scope**

The scope includes, but is not limited to, the following:

- Construction of a new K-8 prototype to house 1642 student stations (with an alternate additional expansion module) on a portion of a 16.17 acre site in the City of Homestead, Florida, located at South Canal Drive and SE 18 Avenue (aka Farm Life School Road);
- All on-site and off-site utilities, drop-offs, parking, playfields, courts and related improvements;

This project is anticipated to be delivered utilizing the Construction Management (CM) At-Risk method. The selected CM At-Risk firm may be required to submit several Guaranteed Maximum Price (GMP) proposals to execute this project. If accepted by staff, the negotiated GMP(s) will be submitted to the Board for approval.

The A/E has agreed to the following aggressive design and document submittal schedule:

- Phase I - Schematic Design: 10-25-06
- Phase II/III - Construction Documents, 50% submittal (100% foundation, shell, and underground utilities) for GMP #1: 11-22-06
- Phase II/III - Construction Documents, 100% complete, for GMP#2: 1-30-07

### Terms and Conditions

#### **A. Basic Services Fees:**

A lump sum fee for Basic Services of \$1,167,557 was negotiated. This fee includes a prototype re-use fee of \$848,782, all on-site and off-site civil engineering, and all other required services and consultants (except as listed below).

Basic Services fees shall be paid based on completion of the following phases:

- Phase I - Schematic Design Documents: \$ 233,511
  - Phase II/III - Construction Documents, 50% complete (for GMP #1, Bid/Award): \$ 350,267
  - Phase II/III - Construction Documents, 100% complete/approved (including GMP #2 Bid/Award): \$ 233,511
  - Phase V - Construction Administration
    - a) through substantial completion: \$ 291,890
    - b) Punch List/Close Out: \$ 46,702
  - Phase VI - Warranty/Post Occupancy Services: \$ 11,676
- TOTAL BASIC SERVICES FEE: \$1,167,557**

## B. Supporting Services Fees

The following services require prior written authorization by the Board-designee:

1. Additional Site Visits:  
The A/E and Designated Specialists will provide up to **280** additional site visits during construction at a flat fee of **\$300/visit**: Not-to-exceed \$ 84,000
  2. Threshold Inspection Fees: Not-to-exceed \$ 85,000
  3. On-site Project Representative(s) Fees:  
Junior level, full-time; \$6,750/mo. X 20 months: Not-to-exceed \$135,000  
(Base salary \$60,000/yr x 1.35 = \$81,000 or \$6,750/mo.)
  4. Traffic Consultant Fee: Not-to-exceed \$ 24,500
  5. Insurance Premium reimbursement:  
(Unless otherwise instructed by MDCPS' Office of Risk Management, the A/E shall obtain a Project Specific Professional Liability policy in the amount of \$5,000,000, the premium for which, if acceptable to the Board, will be reimbursed on a direct cost basis.): Not-to-exceed \$210,000
- TOTAL SUPPORTING SERVICES FEES:** **Not-to-exceed \$538,500**

## C. Other Terms and Conditions

- Upon timely completion/submittal of Phase II/III Construction Documents (50% complete, GMP#1 Bid/Award), the A/E shall be entitled to receive a lump sum acceleration fee of **\$50,000** in consideration of the A/E's efforts to expedite the project.
- A/E-requested testing shall be arranged and paid for by the Board; specialized testing, pre-approved by the Board, but not available through the Board, shall be reimbursed by the Board on a direct cost basis;
- The cost of printing will be reimbursed by the Board on a direct cost basis, per conditions stipulated by the A/E Agreement;
- The A/E has requested the use of an additional civil engineering firm for this project, Calvin, Giordano & Associates, Inc., not originally listed by the A/E as a Designated Specialist for the prototype, in order to better coordinate the Scope of Work for the project with the scope of work for the balance of the site and to more quickly complete the construction documents;

- The Principals' rates are set at \$180/hour for the Architect, and \$180/hour for the Designated Specialists, for Board-authorized additional services;
- The provisional multiplier for hourly compensation is limited to 2.45 for any additional services approved by the Board;
- The Agreement may be terminated 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; and
- The A/E has agreed to the time-sensitive schedule and the terms and conditions of the Agreement, and will commence services upon Board commissioning.

### **Project Fund**

Fund: 0370    Object: 5630    Location: 4031    Program: 2750    Function: 7400

### **Prior Commissioning & Performance Evaluation**

The Board has commissioned Zyscovich, Inc. for the following projects within the last three years:

- Phase II - Historical Restoration, Renovations, Remodeling and New Additions at Miami Senior High School, Project No. 00176800  
A/E Services  
Date of Commission:        8-2-06
- Middle Learning Center Addition, State School "RR-1", at Madie Ives Elementary (K-8 Conversion) to Relieve Highland Oaks Middle, Project No. A0729  
A/E Services  
Date of Commission:        2-15-06
- State School E-1 (Relief for Biscayne Gardens, North Miami and Oak Grove Elementary Schools and North Miami Middle School) – Reuse of a K-8 Prototype, Project No. 00253000  
A/E Services  
Date of Commission:        1-18-06
- Miami Senior High School, Historical Restoration, Renovation, Remodeling and Additions, Project No. 00176700  
A/E Services - Master Plan (Phase I)  
Date of Commission:        9-7-05
- Ojus Elementary School, New Addition, Project No. A0821  
DCP Services and Conversion of DCP to A/E Services  
Date of Commission:        12-10-03, 1-19-05 (amendment), and 5-18-05

- K-8 Prototypes at Three Sites; State School "D" (Relief for V.A. Boone/Highland Oaks El., M. Ives El. & Highland Oaks Mid.) Project No. A0798, State School "CC-1" (Relief for Pine Villa El., Redland El., Naranja El., Redland Mid. & Mays Mid.) Project No. A01031, and State School "DD-1" (Relief for Irving & Beatrice Peskoe El., Leisure City K-8 & W. Chapman El.) Project No. A01089  
A/E Services  
Date of Commission: 4-13-05
- State School "BBB-1" (North Miami Sr. Replacement), Project No. A01015  
DCP Services and Conversion of DCP to A/E Services  
Date of Commission: 10-20-04 and 3-16-05
- Miami Beach Senior High School, Additions, Remodeling, Renovations & Replacement Project, Project Nos. A0795 and A0795A  
A/E Services  
Date of Commission: 10-23-02 and 9-08-04 (amendment)
- State School "RR-1" (Highland Oaks Mid. Relief) and Other Schools in the Dr. Krop Sr. feeder pattern, Project No. A0729  
DCP Services (Master Plan and Programming)  
Date of Commission: 5-19-04
- Kinloch Park Elementary School, New Addition, Project No. A01004  
DCP Services  
Date of Commission: 12-10-03

The most recent overall performance evaluation score issued by staff to Zyscovich, Inc. was for the quarter ending June 30, 2006. Based on a performance scale of 1-5, the firm received a score of 4.01.

### Principals

The Principal/Owner designated to be directly responsible to the Board for Zyscovich, Inc. is Bernard Zyscovich. The firm is located at 100 North Biscayne Boulevard, 27<sup>th</sup> Floor, Miami, Florida 33132.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida commission Zyscovich, Inc. as Architect/Engineer of Record for New State School "TT-1" (to serve Homestead's Educational Facilities Benefit District), a re-use of the K-8 Prototype, Project No. A01106, as follows:

- 1) a lump sum fee of \$1,167,557 for A/E Basic Services; and
- 2) the Project Scope and all the Terms and Conditions as set forth in the body of the agenda item.

NAD:SGG:sgg