

Office of School Facilities  
Jaime G. Torrens, Temporary Chief Facilities Officer

**SUBJECT: COMMISSIONING OF MILLER, LEGG & ASSOCIATES, INC. AS  
SPECIAL PROJECTS CONSULTANTS (SPC) – LANDSCAPE  
ARCHITECTURE SERVICES FOR MISCELLANEOUS PROJECTS  
UP TO \$1.0 MILLION EACH FOR A FOUR-YEAR TERM**

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

**LINK TO  
STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES**

**Introduction**

Staff has completed the selection process for one or more Special Projects Consultants (SPC) to provide Landscape Architecture services for miscellaneous projects in which the construction cost estimates do not exceed the current statutory limit of \$1.0 million. The term of the contract will be four (4) years, with the second, third and fourth years at the Board's option.

Two firms applied, were evaluated and invited to interview. On March 15, 2007, the Selection Committee interviewed and ranked the firms as follows:

1. Miller, Legg & Associates, Inc.
2. ACAI Associates, Inc.

The Selection Committee was comprised of the following individuals:

<u>Committee Member</u>	<u>Representing</u>
Dr. Bhagwan Gupta, Administrative Director	Office of the Superintendent
Francis Hoar, Administrative Director	Maintenance Operations
Dwayne Willis, Supervisor	Maintenance Operations
Eduardo Beraldi, Senior Project Manager	Maintenance Operations
Sharon G. Grau, Assistant Director	A/E Selection, Negotiations & Design Mgmt

The top-ranked firm, Miller, Legg & Associates, Inc., was selected as SPC to provide Landscape Architecture services.

The negotiated fees for Basic Services are based on a percentage of the construction budget, as approved by staff, prior to the start of each project. Individual work orders will be issued for required services based on the percentage fee converted to a Lump Sum (LS) fee. At the option of the Board's designee, the SPC will conduct on-site observations (site visits) and/or additional project meetings during construction, at pre-negotiated rates. Negotiations with the firm have been successfully concluded as follows:

**Terms and Conditions**

**A. Basic Services - General**

Basic Services fees include all required services and consultants, unless otherwise noted in a specific Work Order. Basic Services fees shall be paid based on the percentage of completion per the Agreement.

BASIC SERVICES PERCENTAGE FEE SCHEDULE				
CONSTRUCTION BUDGET	FULL DESIGN SERVICES		PHASE II / III ONLY	
	DESIGN SERVICES ONLY	DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION	DESIGN SERVICES ONLY	DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION
Up to \$50,000	HRLY / LS	HRLY / LS	HRLY / LS	HRLY / LS
\$ 50,001 to \$ 100,000	9.00	11.00	8.50	10.50
\$ 100,001 to \$ 200,000	8.50	10.37	8.00	9.84
\$ 200,001 to \$ 300,000	8.00	9.75	7.50	9.15
\$ 300,001 to \$ 500,000	7.26	8.78	6.53	8.00
\$ 500,001 to \$ 750,000	6.60	8.25	5.95	7.50
\$ 750,001 to \$ 1,000,000	6.00	7.50	5.40	7.00

<b>SPC AND DESIGNATED SPECIALISTS (*)</b>	<b>Site Visits \$250/ Visit</b>	<b>Additional Project Meetings \$ 250/ Visit</b>	<b>Principals' Hourly Rates \$ 125</b>
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(\*) Landscape Architect (SPC), Architect, Mechanical Engineer, Electrical Engineer, Structural Engineer, and Civil Engineer.

B. Other Terms and Conditions

- The term of the Agreement is four years, commencing April 18, 2007, and terminating April 17, 2011, with the second, third and fourth year renewals at the Board's option.
- In the absence of record drawings, compensation for services performed for the development of record drawings and verification of existing field conditions will be based on not-to-exceed hourly rate basis as follows:

RECORD DRAWINGS AND EXISTING CONDITIONS VERIFICATION		
CONSTRUCTION BUDGET		Hourly Rates Not-to-Exceed LS Fee
From	To	
\$ - 0 -	\$ 250,000	\$ 2,500
\$ 250,001	\$ 500,000	\$ 5,000
\$ 500,001	\$ 750,000	\$ 7,500
\$ 750,001	\$ 1,000,000	\$ 10,000

- For study activities with professional fees of up to \$50,000, the Board and the SPC must agree, in writing, prior to the commencement of the services, on the maximum number of hours and a not-to-exceed amount, or in the case of a lump sum fee, the amount for each applicable project.
- The provisional multiplier for hourly compensation shall be limited to **2.45**. This rate is subject to audit by the Board and may be adjusted as the result of audit findings. If so, any changes would be submitted to the Board for final approval.
- The multiplier for Direct Personnel Expense, for assignment of SPC technical staff (i.e. Architects, Engineers, Project Managers and Field Representatives) to specific projects and working in offices other than the SPC's own offices, shall be limited to a **1.70** multiplier times the actual hourly rates.
- The Agreement provides for indemnification and hold harmless provisions to the Board and its employees by the consultant due to consultant's negligence. The consultant shall maintain at least a \$1,000,000 Professional Liability insurance policy with a maximum deductible of \$25,000 per claim. These limits and terms are as recommended by the District's Office of Risk & Benefits Management.
- The Agreement may be terminated by the Board, with or without cause, upon thirty (30) days written notice to the SPC; whereas, the SPC may terminate the Agreement, with cause only, upon thirty (30) days written notice to the Board.

- The Board is under no obligation to assign a minimum number of work orders or to compensate a minimum amount of professional fees to any one SPC firm.
- The firm has agreed to the Terms and Conditions of the Agreement and will commence services upon commissioning by the Board.

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

Miller, Legg & Associates, Inc. has not been previously commissioned by the Board.

No performance evaluation data is available for this firm.

### **Principals / Location**

The Principal/Owner designated to be directly responsible to the Board for Miller, Legg & Associates, Inc. is Michael D. Kroll. The firm is located at 1800 North Douglas Road, Suite 200, Pembroke Pines, Florida 33024.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, commission Miller, Legg & Associates, Inc., as Special Projects Consultant (SPC) – Landscape Architecture Services for Miscellaneous Projects up to \$1.0 Million each for a four-year term as follows:

- 1) Negotiated fees based on the above schedules of fees; and
- 2) other Terms and Conditions as set forth in the body of the agenda item and the Agreement.