

Office of Superintendent of Schools
Board Meeting of May 16, 2001

May 10, 2001

Facilities Planning and Construction
Suzanne A. Marshall, Chief Facilities Officer (Construction)] REVISED

SUBJECT: APPROVAL OF OPTIONAL SECOND YEAR OF AGREEMENT WITH MIA CONSULTANTS FOR CONSTRUCTION CLAIMS CONSULTANT SERVICES

On June 21, 2000, the Board commissioned the firm of MIA Consultants to perform Construction Claims Consulting Services for a two (2) year term, commencing June 21, 2000 and expiring June 20, 2002, with the second year being at the Board's option. The availability of this resource is crucial to timely and successful resolution of numerous claims and other complex issues which naturally arise in the capital construction program. In addition, the analysis and resolution of such claims is a sensitive and time consuming process which requires close coordination and continuity of service with the appropriate consultant to achieve desired results. It is the consensus of staff that throughout the first year of the agreement, MIA Consultants has consistently provided the necessary high level of expertise and service that would justify approval by the Board of the optional second year of service as provided in the agreement and such approval is recommended.

Currently, the maximum fee amount for the term of the contract as set forth in the agreement is not to exceed \$300,000 per year. Approximately 8.5 months into the first year of the agreement, work orders had already been issued closely approaching the \$300,000 annual contract amount limit. At this time, there are a backlog of issues which would be appropriate for assignment to the Construction Claims Consultant as well as other issues already emerging which will need to be addressed in the near future. Therefore, it is further recommended that the maximum fee amount for the second year be increased from \$300,000 to an amount not to exceed \$500,000 to accommodate the expected workload. It is believed that this increase in maximum fee amount is justified and can result in significant cost savings through early resolution of claims and avoidance of costly future litigation by timely addressing claims with appropriate expertise and resources prior to litigation being filed.

The not-to-exceed hourly fees for the personnel required for each assignment as established in the agreement will remain at the same rates as for the first year of the agreement. The agreement continues to provide indemnification and hold harmless provisions to the Board, its members, employees, agents, etc. by the consultant. The consultant shall continue to maintain no less than a \$250,000 Commercial/General Liability insurance policy.

**REVISED
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RECOMMENDED:

That The School Board of Miami-Dade County, Florida:

- 1) approve the optional second year of the Agreement with MIA Consultants to perform Construction Claims Consulting Services commencing June 21, 2001 and expiring June 20, 2002.**
- 2) to increase the total billings under this contract from \$300,000 to an amount not to exceed \$500,000 for the optional second year of the agreement only, without obligation by the Board to expend any specific amount.**

JWP:mc