

Business Operations
J.E. Surash, P.E., Chief Business Officer

SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL READING 6Gx13-7B-1.02, ARCHITECTURAL, ENGINEERING, AND INSPECTION SERVICES -- AUTHORITY OF SUPERINTENDENT OF SCHOOLS TO EMPLOY

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

The School Board of Miami-Dade County, Florida, announced on October 22, 2003, its intention to amend School Board Rule 6Gx13- 7B-1.02 Architectural, Engineering, and Inspection Services -- Authority of Superintendent of Schools to Employ, and the document, *Procedures for the Selection of Construction Management Services*, which is incorporated by reference, at its meeting of December 10, 2003. This amendment is submitted to include procedures for the selection of Construction Management (CM) at-risk and Program Management (PM) services, to streamline the current process and to comply with existing language in Florida Statutes. This amendment will also reflect changes to the title of the document by including CM at-Risk and Program Management.

The Notice of Intended Action was published in the *Miami Daily Business Review* on October 28, 2003, posted in various places for public information, and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of the rule has elapsed.

In accordance the provisions of the Administrative Procedures Act, the amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Copies of the document, *Procedures for the Selection of Construction Management Services*, which is incorporated by reference and are a part of the rule will be forwarded to the School Board Members under separate cover prior to the School Board meeting of December 10, 2003, and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 7B-1.02, Architectural, Engineering, and Inspection Services - Authority of Superintendent of Schools to Employ, and the document, *Procedures for the Selection of Construction Management Services*, which is incorporated by reference and a part of this rule, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective December 10, 2003.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 22, 2003, its intention amend School Board rule 6Gx13-7B-1.02, Architectural, Engineering, and Inspection Services -- Authority of Superintendent of Schools to Employ, and the document, *Procedures for the Selection of Construction Management Services*, at its meeting of December 10, 2003.

PURPOSE AND EFFECT: The purpose of amending the rule and document is to include professional selection procedures for Construction Management (CM) at-risk and Program Management (PM) delivery methods, to streamline the current process and to comply with existing language in Florida Statutes. This allows alternative delivery method options for vigorously tackling the recently approved Educational Facilities Work Plan as well as pending projects. This amendment would also permit District staff to review, assess, and certify a list of CM, CM at-risk and PM firms by category for specific projects. It is estimated that this change would save time and money by reducing the need to review the firms' qualifications numerous times and would allow District staff to bundle similar projects where feasible.

SUMMARY: To include procedures for the selection of Construction Management at-risk and Program Management, to streamline the current process and to comply with existing language in Florida Statutes.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED OR MADE SPECIFIC: 287.055; 468 Part XII; 1001.43(2)(d); 1013.01(12); 1013.37; 1013.371; 1013.38(b); 1013.45; F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF December 10, 2003 which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by November 18, 2003 to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, at 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Ana Rijo-Conde
Supervisor: Mr. J.E. Surash, P.E.
Date: October 8, 2003

Designing**ARCHITECTURAL, ENGINEERING, AND INSPECTION SERVICES --
AUTHORITY OF SUPERINTENDENT OF SCHOOLS TO EMPLOY**

I. Rationale

The Superintendent of Schools shall recommend professional architectural and engineering consultants to the Board for commissioning in accordance with the **Procedures for the Selection of Architects and Engineers**, **Procedures for the Selection of Building Code Consultant**, **Procedures for the Selection of Architectural/Engineering Projects Consultant (APC/EPC)**, and the **Procedures for the Selection of Construction Management (CM), CM at-risk and Program Management Services** as approved by the Board, which are incorporated herein by reference and are a part of this Board Rule. The Board shall, in open meeting, commission all project architects and engineers, except for projects estimated to cost under the statutory limits of one (1) million dollars or less, and for study activities for which the fee does not exceed \$50,000; in these instances, assignment shall be as described below in Section II. A.:

II. Services

A. Design/Construction Supervision projects and/or study activities - under the statutory limits

These services shall be provided by separate consultants:

Architectural Projects Consultants (APC) may be assigned projects and/or study activities which are predominantly architectural in nature and content; and Engineering Projects Consultants (EPC) may be assigned projects and/or study activities which are predominantly engineering in nature and content.

The Chief Business Officer, or his/her successor, or designee, will analyze the project or study requirements and make the determination regarding which design discipline is predominant, and which consultant is best able to handle the project.

The Chief Business Officer, his/her successor, or designee, will also review the backlog of such projects and, as necessary, select and recommend the commissioning of additional consulting firms pursuant to the **Procedures for the Selection of Architects and Engineers**, or reassigning projects as necessary for expeditious completion of projects.

Maintenance is defined as per Section 1013.01(12), Florida Statute.

- B. Technical Review services and Building Code Inspection and Review services shall be performed by the same entity. The functions of a Building Department within the District shall be established in accordance with Chapter 468 Part XII and Section 1013.38(b), Florida Statutes. The Office of Educational Facilities Compliance shall perform the functions of the Building Department, create and implement all necessary administrative procedures, and present to the Board such matters as required for Board approval. Among other duties, the office shall coordinate, monitor and oversee the Building Code Inspection and Technical Review services. The person in charge of the office shall be known as the Building Official as defined in Chapter 468.603, Florida Statute.

1. Inspection Services

The Building Code Consultant (BCC) must have full architectural and engineering capabilities, however, joint ventures will be considered.

Inspections by the BCC will not supplant those inspections required for the Project Architect or the Architectural and/or Engineering Projects Consultants to ensure that the work is in accordance with their design and meets the specifications in regard to quality, methods of performance and standard construction practices.

The BCC will be concerned with Building Code enforcement and technical review.

2. Technical Review Services

The Building Code Consultant (BCC) must have full architectural and engineering capabilities, however, joint ventures will be considered.

The BCC will be responsible for ensuring that all submittals conform to the various Board, State, and other code requirements.

The BCC will not be considered for any architectural/engineering or construction management projects or assignments, either solely or in partnership or joint venture with other individuals or

firms, during the tenure as BCC.

- C. Projects estimated to cost \$200,000 or less may be approved and assigned to Maintenance Operations by the Chief Business Officer, his/her successor, or designee.

Maintenance is defined as per Section 1013.01(12), Florida Statute.

- D. Projects assigned by the Chief Business Officer, his/her successor, or designee, may be discontinued at the discretion of the Chief Business Officer.

- E. Project assignment and approval procedures for APC/EPC projects under the statutory limits as defined herein in Section I:

1. The assignment of projects shall initially be based upon the best available unofficial estimate of cost. Except in case of emergency, prior to commencing the design work, the APC or EPC shall develop a detailed cost estimate and, where applicable, completion schedule.
2. The official assignment of a project shall be confirmed through the approval of the detailed official cost estimate and schedule, which shall be submitted to the Chief Business Officer, his/her successor, or designee, within 30 days of the original assignment date.
3. Upon approval or confirmation of approval by the Chief Business Officer, his/her successor, or designee, work will commence on the project, and its status will be reported monthly.

- F. The Chief Business Officer, his/her successor, or designee, shall determine which projects are to be constructed through the utilization of ~~Construction Management~~ CM, CM at-risk or Program Management (PM) Services.

~~Construction Management~~ CM Services will include the coordination of contractors during the construction phase of projects. CM at-risk services will include construction management and actual construction services. PM services will generally include, but not be limited to, coordination in providing or procuring planning, design and construction services.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 287.055; 468 Part XII; 1001.43(2)(d);
1013.01(12); 1013.37; 1013.371; 1013.38(b); 1013.45 F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74
Technical Change: 5-1-98
Amended: 4-19-89; 9-5-90; 5-8-91; 9-25-91; 11-6-91; 12-19-91; 11-2-94; 10-21-98;
11-14-01; 4-9-03; 5-14-03