

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

SUBJECT: RE-COMMISSIONING OF ZYSCOVICH, INC. AS ARCHITECT/ENGINEER OF RECORD FOR NEW STATE SCHOOL "TT-1" (TO RELIEVE CAMPBELL DRIVE ELEMENTARY SCHOOL) A RE-USE OF THE K-8 PROTOTYPE PROJECT NO. A01106

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

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

Introduction

On October 11, 2006, the Board commissioned Zyscovich, Inc. (ZI) as Architect/Engineer (A/E) of Record for State School "TT-1" (to relieve Campbell Drive Elementary School), a re-use of the K-8 prototype. On March 14, 2007, the Board terminated the Agreement with ZI, as A/E of Record (and under a separate Board item with Pirtle Construction Company, as the Construction Management (CM) at-Risk firm), without cause, despite efforts by the Homestead Educational Facilities Benefit District (HEFBD) to turn over a ready-to-build site by November 30, 2006, per the Board's tri-party Interlocal Agreement with the City of Homestead and the HEFBD. Additional background information is detailed under a companion Board item (F-41). Contingent upon Board approval of item F-41, staff recommends that this project be reinstated, and the A/E firm be re-commissioned to complete the project. The re-commissioning of the CM at-Risk firm has been submitted to the Board under a separate Board item (F-43).

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 on the westernmost +/- 16-acres of a +/- 35-acre site in the City of Homestead, Florida, located at SW 328 Street between SW 157 and SW 162 Avenues;
- All on-site and off-site utilities, drop-offs, parking, playfields, courts and related improvements.

Estimated Construction Cost: \$32,000,000

The project will be delivered utilizing the Construction Management (CM) At-Risk method. The CM at-Risk firm will 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 site development work for this project will be completed during the time required to complete, review and bid the Phase II/III 100% construction documents.

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

- Phase II/III - Construction Documents,
100% complete, for GMP#2: due by November 5, 2007

Project milestone dates are as follows:

- GMP #1 Site Development Package
(not part of A/E services): September 5, 2007
- GMP #2 Award: December 19, 2007
- Substantial Completion: April 2009
- Occupancy: June 2009

Terms and Conditions

A. Basic Services Fees:

At the time the project was terminated, construction documents were 95% complete. Remaining Basic Services fees are unchanged, and shall be paid based on completion of the following phases:

Phase II/III – Construction Documents 100% complete/approved:	\$ 11,676
Phase V – Construction Administration Through Substantial Completion:	\$ 291,890
Punch List/Close-Out:	\$ 46,702
Phase VI – Warranty/Post Occupancy:	<u>\$ 11,676</u>
BALANCE OF BASIC SERVICES FEE:	\$361,944 (no change)

B. Supporting Services Fees

	<u>Original Fee</u>	<u>New Fee</u>
1. The A/E shall receive a lump sum fee for project re-instatement services and for timely submittal (i.e. not later than November 5, 2007) of 100% complete Phase II/III documents:	N/A	\$64,168
2. The A/E shall receive a lump sum fee to incorporate required changes/up-dates into the documents and re-bid the project for GMP #2:	N/A	\$84,878
3. The following services require prior written authorization by the Board-designee:		
a. Additional Site Visits:		
The A/E and Designated Specialists will provide up to 200 additional site visits during construction at a flat fee of \$300/visit:	NTE \$84,000	NTE \$60,000
b. Threshold Inspection Fee:	NTE \$85,000	NTE \$85,000 (no change)
c. On-site Project Representative Fee:		
• Junior level, full-time; \$6,750/mo. X 20 months (Base salary \$60,000/yr x 1.35 = \$81,000/yr	NTE \$135,000	Deleted
• Senior level, full-time; \$11,250/mo. X 16 months (Base salary \$100,000/yr x 1.35 = \$180,000/yr	N/A	NTE \$180,000
d. 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):	NTE \$210,000	NTE \$225,000
TOTAL SUPPORTING SERVICES FEES:	NTE \$538,500	NTE \$699,046

C. Other Terms and Conditions

- 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 will continue to use 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:

- New State School P-1 (to relieve Eugenia B. Thomas Elementary), a re-use of the K-8 prototype, Project No. 00252700
A/E Services
Date of Commission: 12-13-06
- New State School TT-1 (to serve Homestead's Educational Facilities Benefits District), a re-use of K-8 prototype, Project No. A01106
A/E Services
Date of Commission: 10-11-06
Date of Termination: 3-14-07 (for convenience)

- 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), a 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)

The most recent overall performance evaluation score issued by staff to Zyscovich, Inc. was for the quarter ending March 31, 2007. Based on a performance scale of 1-5, the firm received a score of 3.95.

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, 27th Floor, Miami, Florida 33132.

RECOMMENDED: That The School Board of Miami-Dade County, Florida Re-commission Zyscovich, Inc. as Architect/Engineer of Record for New State School "TT-1" (to relieve Campbell Drive Elementary School), a re-use of the K-8 Prototype, Project No. A01106, as follows:

- 1) a lump sum fee of \$361,944 for the balance of A/E Basic Services;
- 2) revised Supporting Services Fees as noted in the body of the agenda item; and
- 3) the Project Scope and all the Terms and Conditions as set forth in the body of the agenda item;

NAD:SGG:sgg