AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

J-1. AGENDA ITEM ITEMS CATEGORY J. OFFICE OF FACILITIES & CONSTRUCTION DEPARTMENT Facilities Pre-Construction Open Agenda	Public school	MEETING DATE	2019-06-	-25 10:05 - Regular S	chool Boa	rd Meeting	Special Order Request
DEPARTMENT DEPARTMENT DEPARTMENT Facilities Pre-Construction J. OFFICE OF FACILITIES & CONSTRUCTION Open Agenda	ITEM No.:	AGENDA ITEM	ITEMS				
DEPARTMENT Facilities Pre-Construction TITLE: Termination Without Cause of the Construction Services Agreement - Gibane Building Company - Northeast High School - Oakland Park - Project No. P.001684. MART Program Renovations - RFO 16-194C. REQUESTED ACTION: Approve the Termination Without Cause of the Construction Services Agreement with Gibane Building Company, Northeast High School, Project No. P.001684. SUMMARY EXPLANATION AND BACKGROUND: Sulfi recommends Termination Without Cause of the Construction Services Agreement between The School Board of Broward County, Florida and Gibane Building Company for Construction Management at Risk services for Northeast High School, Project No. P.001684, SMART Program Renovations. This Board Item has been reviewed and approved as to form and legal content by the Office of the General Counsel. SCHOOL BOARD GOALS: Goal 1: High Quality Instruction Goal 1: High Quality Instruction FINANCIAL IMPACT: There is no financial impact to the District. SCHOOL BOARD GOALS: EXHIBITS: (List) (1) Executive Summary (2) Notice of Intent to Recommend Termination Without Cause (3) Memo to Revise SCHOOL BOARD OF BROWARD COUNTY, FLORIDA Reproved In Open Board Meeting On: THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA Approved In Open Board Meeting On: Stringture Frank L. Girardi 6/24/2019, 5:07:46 PM School Board Chair School Board Chair School Board Chair				E OF FACILITIES &	CONSTRU	JCTION	Time
TITLE: Termination Without Cause of the Construction Services Agreement - Gilbane Building Company - Northeast High School - Oakland Park - Project No. P.001684 SMART Program Renovations - RFQ 16-194C REPOLESTED ACTION: Approve the Termination Without Cause of the Construction Services Agreement with Gilbane Building Company, Northeast High School, Project No. P.001684, SMART Program Renovations, RFQ 16-194C. SUMMARY EXPLANATION AND BACKGROUND: Staff recommends Termination Without Cause of the Construction Services Agreement between The School Board of Broward County, Florida and Gilbane Building Company for Construction Management at Risk services for Northeast High School, Project No. P.001684, SMART Program Renovations. This Board Item has been reviewed and approved as to form and legal content by the Office of the General Counsel. SCHOOL BOARD GOALS: O Goal 1: High Quality Instruction Goal 2: Continuous Improvement Goal 3: Effective Communication FINANCIAL IMPACT: There is no financial impact to the District. EXHIBITS: (List) (1) Executive Summary (2) Notice of Intent to Recommend Termination Without Cause (3) Memo to Revise SOURCE OF ADDITIONAL INFORMATION: Name: Shelley N. Meloni, Director Name: Shelley N. Meloni, Director Name: Thomas C. Cooney, Asst. General Counsel JUN 2 5 2019 School Board Chair					20,101,11		Open Agenda
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Form #4189 Revised 06/05/2019 RWR/ FG/SNM/TCC:lcc

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA OFFICE OF THE SUPERINTENDENT

Robert W. Runcie Superintendent of Schools

Telephone: 754-321-2600 Facsimile: 754-321-2701

June 24, 2019

TO:

School Board Members

FROM:

Frank Girardi, Task Assigned,

Executive Director, Capital Programs

VIA:

Robert W. Runcie

Superintendent of Schools

SUBJECT: MEMO TO REVISE AGENDA ITEM J-1. TERMINATION WITHOUT CAUSE OF THE CONSTRUCTION SERVICES AGREEMENT - GILBANE BUILDING COMPANY - NORTHEAST HIGH SCHOOL - OAKLAND PARK - PROJECT NO. P.001684 - SMART PROGRAM RENOVATIONS - RFQ 16-194C, FOR THE

JUNE 25, 2019 REGULAR SCHOOL BOARD MEETING

The following is a revision to Agenda Item J-1. Termination Without Cause of the Construction Services Agreement - Gilbane Building Company - Northeast High School - Oakland Park -Project No. P.001684 - SMART Program Renovations - RFQ 16-194C, for the June 25, 2019 Regular School Board Meeting:

Exhibit 1 – replace with attached revised Exhibit 1

RWR/FG/DJ:ma Attachment

c: Senior Leadership Team



EXECUTIVE SUMMARY

Termination Without Cause of the Construction Services Agreement
Gilbane Building Company
Northeast High School, Oakland Park
Project No. P.001684
SMART Program Renovations
RFO 16-194C

PROJECT OVERVIEW:

Delivery Method:	very Method: Construction Management at Risk			
Architect:	ACAI Associates Inc.			
Contractor:	Gilbane Building Company			

GENERAL OVERVIEW:

This item requests approval of Termination Without Cause of the Construction Services Agreement between The School Board of Broward County, Florida ("Board") and Gilbane Building Company ("Gilbane"). The Board and Gilbane shall hereinafter collectively be referred to as the "Parties."

The Parties entered into a contract for Construction Services Agreement ("Agreement") on November 1, 2016 (Agenda Item JJ-5), for Northeast High School, Project No. P.001684, RFQ 16-194C ("Project"). Services to be provided pursuant to the Agreement included Pre-Construction Phase Services, Bid and Award Phase Services, Construction Phase Services, Closeout Services, and Warranty Services associated with the scope of work defined and to be developed to include, single point of entry, safety/security upgrades, fire sprinklers, fire alarm, weight room renovation, STEM lab improvements, HVAC improvements, electrical improvements, re-roofing, ADA renovations related to educational adequacy, and other items that may be required to execute the Board approved scope.

At the Special School Board Meeting held on September 26, 2017 (Agenda Item JJ-14), the Board approved Guaranteed Maximum Price ("GMP") Amendment 1 with Gilbane for the Single Point of Entry scope of work at Northeast High School. The Notice to Proceed was issued on October 12, 2017 and the work for this project was completed on November 27, 2018.

The Parties did not achieve an agreeable GMP 2, and staff found that GMP 2 was unacceptable pursuant to Article 6.4 of the Agreement. Staff recommends Termination Without Cause with Gilbane.

A successor Contractor will be awarded, and the Agreement will be presented to the Board at a future date.



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

2301 NW 26th Street • Fort Lauderdale, Florida 33311 • Office: 754-321-1500 • Fax: 754-321-1501

OFFICE OF FACILITIES & CONSTRUCTION FRANK GIRARDI, TASK ASSIGNED, EXECUTIVE DIRECTOR, CAPITAL PROGRAMS The School Board of Broward County, Florida

Heather P. Brinkworth, Chair Donna P. Korn, Vice Chair

> Lori Alhadeff Robin Bartleman Patricia Good Laurie Rich Levinson Ann Murray Dr. Rosalind Osgood Nora Rupert

Robert W. Runcie Superintendent of Schools

June 10, 2019

William J. Gilbane Jr. Gilbane Building Company 7 Jackson Walkway Providence, RI 02903

RE:

NOTICE OF INTENT TO RECOMMEND TERMINATION WITHOUT CAUSE

Agreement for Construction Management at Risk Services

Northeast High School - Project No. P001684

Dear Mr. Gilbane:

Unfortunately, Guaranteed Maximum Price (GMP) Amendment 2 proposal from Gilbane Building Company (Gilbane) is unacceptable to the Owner. Accordingly, pursuant to Articles 6.4 and 36.1 of the Construction Manager at Risk (CMAR) Agreement, staff shall recommend the termination of the CMAR Agreement with Gilbane (without cause) to the School Board at its meeting of June 25, 2019.

This shall serve as the requisite ten (10) days' written notice of the above-referenced proposed action.

Sincerely,

Frank Girardi, Task Assigned, Executive Director,

Capital Programs

Daniel Jardine, Program Director

CBRE | Heery

C:

MaryAnn May, Ph.D., Chief Fire Official and Task Assigned Chief Facilities Officer

Thomas C. Cooney, Esq., Assistant General Counsel Michael Bobby, Deputy Program Director, CBRE | Heery

Jason Taylor, Gilbane Building Company