



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:  
J-1.

MEETING DATE	2019-06-25 10:05 - Regular School Board Meeting
AGENDA ITEM	ITEMS
CATEGORY	J. OFFICE OF FACILITIES & CONSTRUCTION
DEPARTMENT	Facilities Pre-Construction

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input type="radio"/> Yes <input checked="" type="radio"/> No

**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

**REQUESTED 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:**  
 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

**BOARD ACTION:**  
**APPROVED**  
(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:	
Name: Shelley N. Meloni, Director	Phone: 754-321-1515
Name: Thomas C. Cooney, Asst. General Counsel	Phone: 754-321-2050

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
Senior Leader & Title

Frank Girardi - Task Assigned Exec. Director

Signature  
Frank L. Girardi  
6/24/2019, 5:07:46 PM

Approved In Open Board Meeting On:

**JUN 25 2019**

By: *Leather P. Burkwood*  
School Board Chair

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**  
**RFQ 16-194C**

**PROJECT OVERVIEW:**

<b>Delivery Method:</b>	<b>Construction Management at Risk</b>
<b>Architect:</b>	<b>ACAI Associates Inc.</b>
<b>Contractor:</b>	<b>Gilbane Building Company</b>

**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 26<sup>th</sup> 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 Alhadef  
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**

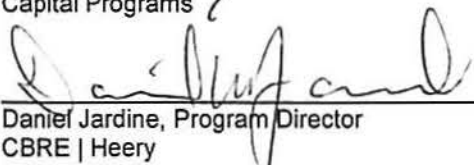
Dear Mr. Gilbane:

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