BROWARD COUNTY PUBLIC SCHOOLS
BOND OVERSIGHT COMMITTEE

KC WRIGHT ADMINISTRATION CENTER
BOARD ROOM
600 SE 3RD AVENUE
FORT LAUDERDALE, FLORIDA
MARCH 13, 2023
5:39 P.M. - 7:09 P.M.

ATTENDANCE:

Omar Shim, SBBC Capital Budget Director
Robert Nave, Florida TaxWatch, VP of Research
Kathleen Langan, Senior Program Director, AECOM
Ashley Carpenter, Atkins, Project Control Manager
Shelley N. Meloni, Director Pre-Construction
Erum Motiwala, Chief Financial Officer
Robert Ballou, Director, Economic Development &
    Diversity Compliance
Yvonne Garth, Garth Solutions, President/CEO

Bond Oversight Committee Members:

Steve Hillberg, P.E., Civil Engineer
Tommy Demopoulos, Fire Inspectors Association of
    Broward County
Jose R. Cortes, Director, Department of Design
    Construction Management
Parth Patel, CGFO

Reported by:
Timothy R. Bass
Bass Reporting Service, Inc.
633 S.E. Third Avenue, Suite 200
Fort Lauderdale, FL 33301
954-463-3326

United Reporting, Inc.
(954) 525-2221

1   P R O C E E D I N G S

2   — — —

3   MR. HILLBERG: Okay. We're going to call

4   this meeting to order. We don't have a quorum,

5   but we're going to go ahead with our limited

6   ability. We can't really make many decisions.

7   The first item is to approve the new member,

8   Parth Patel, which we can't do since we don't

9   have a quorum. Sorry, Mr. Patel, to have you

10   come here for that. And, well, I guess we'll do

11   this again at the next meeting if we have a

12   quorum.

13   The next item is the Approval of Minutes,

14   which we can't do because we don't have a quorum.

15   We can do the presentations, so, Bob, you

16   drove all the way down from Jacksonville, we

17   don't want you to have to go back without saying

18   a piece.

19   But the normal thing is we have each

20   presentation and then Bob, representing TaxWatch,

21   comes in with the comments from TaxWatch.

22   So we'll jumping right into the quarterly

23   highlights with AECOM.

24   MS. LANGAN: Okay. Well, good afternoon.

25   Hopefully, this thing is working. My name is

1 Kathleen Langan with AECOM. I'm the SMART

2 Program Director. We thought we would start this

3 evening with quarterly highlights.

4   You can see that our delayed projects

5 decreased from 42 to 38. We have an additional

6 three projects in construction closeout. Three

7 Student Advisory Council (SAC) Meetings were

8 held, one groundbreaking ceremony, which was

9 Stranahan.

10   The SMART Program, our crews took advantage

11 of the break and got a lot of construction done

12 for the new calendar year.

13   Northeast High School, the addition is ahead

14 of schedule. I will say, however, that we are

15 having delays in supply of our switchgears and so

16 that may have an impact and we'll keep -- we will

17 keep you all informed about that.

18   We have 46 projects ahead of schedule right

19 now.

20   We are still on track to complete, be

21 substantially complete, by October of 2025. And

22 we will continue to track that closely with some

23 of the supplier and material delays that we're

24 experiencing right now.

25   We have so far been able to work around those

1   and will continue to try and do that.

2   95 percent of the projects that are left in

3   the design phase are now at 100 percent within

4   the design process and will go out to bid very

5   soon.

6   We probably have three design projects that

7   we are in legal discussions with the same

8   architect, and so those are behind schedule. And

9   then we have six projects that are still in

10   planning that I believe we will be making a

11   recommendation to the board to include those

12   projects into the long-term planning. So more to

13   follow on that.

14   We wanted to -- the next subject is the

15   Status & Timelines of Remaining Safety and

16   Security Projects. On page 4 of the TaxWatch

17   Quarterly Report it was pointed out that 23

18   primary renovation projects that include Safety &

19   Security Improvements are experiencing scheduling

20   delays. So what we wanted to do was to further

21   bring some transparency and clarity to those 23

22   projects and we have done so. We developed a, or

23   authored a memo that everybody has in their

24   packet just giving some further information on

25   exactly where those projects are and what is

1   complete within those projects.

2   Overall Project Status, you all have seen

3   this before. We have 4 projects in planning. I

4   stand corrected. We don't have any in hire

5   designer. We have 14 in project design and 6 in

6   hire contractor. And then we have 206 projects

7   under construction and 69 in closeout. You can

8   see where we increased the number of projects in

9   active construction.

10   So Design Delays, we wanted to touch on this

11   a little bit and not only talk about the design

12   delays, but in -- further in the presentation we

13   talk a little bit about the contractors' delays

14   and exactly what we do to ensure that the vendors

15   are being held accountable to any delays.

16   So in this regard, on page 11 of the TaxWatch

17   Quarterly Report it was pointed out that the

18   Building Department delays during the design

19   phase persist. To further clarify, to reduce the

20   number of delays, the Building Department works

21   in conjunction with AECOM, and we have reviewed

22   the process and streamlined that based on a

23   collaborative effort with the Building

24   Department.

25   So one of the things that we've instituted

1   is -- as you all remember, when AECOM first

2   arrived we were trending anywhere from 12 to 15

3   design reviews on projects. And the days varied,

4   you know, depending on a lot of days were in the

5   architects' court and a lot of days were in the

6   Building Department's court. What we've done now

7   is in working with the Building Department and

8   Fire Marshall we now require two reviews. And if

9   we don't get approval on that second review, then

10   we have what's called a standup review. And I

11   think we talked about this a little bit before.

12   So then we'll have a third review. And,

13   typically, there will be a few things that still

14   require clarification, and so that fourth

15   submission is where we get the permit. And

16   that's the same with the Fire Marshall. You may

17   recall that we had programed our reset schedule

18   for five reviews. So at least we're within, you

19   know, that.

20   So we wanted to touch base. On page 13 of

21   the TaxWatch Quarterly Report it was pointed out

22   that School Choice Enhancement Projects are

23   complete at 204 of the 230. To supplement this

24   information, all remaining projects are

25   forecasted to be complete by the summer of 2023.

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1   So we are confident in those dates. Again,

2 having some delays with suppliers, but we'll keep

3 a staff person there to address anything that has

4 not come in yet and get that installed.

5   The Big 3 Status, we have talked about these

6 before.

7   Blanche Ely, the construction is complete.

8 The closeout and inspection paperwork is in

9 progress.

10   This has been going on for a while and I just

11 wanted to, again, clarify this, that what has

12 been happening on this and, actually, the

13 Stranahan project, as well, our contractors call

14 for reinspection, but they'll only call for two

15 reinspections because they don't want to get

16 charged for the third and fourth. And so they're

17 calling for new.

18   So what we've instituted now is we've added

19 another person to our closeout team to work with

20 the Building Department to ensure that permits

21 are being closed out timely and then working with

22 our project managers to ensure that they're ahead

23 of the game for closeout in trying to get the

24 closeout for these inspections, making sure that

25 all permit inspections are closed out.

1   I will say that on Stranahan we're at about

2   83. We were at 250. So it's definitely a

3   problem.

4   Northeast High School, with the GOB the

5   status is about 89 percent complete and you can

6   see the detail here. We have had a couple of

7   schedule delays regarding the structural adequacy

8   of the roofs, having to do further studies, but

9   we think we'll be able to make up that time. So

10   that's good news.

11   And then, as mentioned before, we're a little

12   bit ahead of schedule right now on the classroom

13   addition. It's about 45 percent complete. But

14   we do -- are having problems getting our

15   switchgear, and so we're working that out with

16   the contractor right now.

17   Stranahan, same thing here, our construction

18   is complete with the exception of change orders.

19   And without getting into too much of detail of

20   the legal issues surrounding the construction

21   manager, we are doing those change orders under

22   separate contract to be able to get those

23   completed. So rather than having the -- the CMR,

24   we are having -- we're going out and doing that

25   extra work under the CSMB contracting

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1   methodology, and we're making sure that we are

2   within the pricing of what the change order would

3   have been, actually, a little bit less.

4   I don't know -- as you can see, we had some

5   structural issues at Building 6, at the kiln

6   room. That scope of work for Building 6 was just

7   to replace the roof, but because of the

8   structural issues and the termite damage of the

9   roof we had the A&E redesign, so where the kiln

10   room would go, now, it's going to go into a

11   storage room and that design has been complete

12   and we actually have -- have bid that out under a

13   CSMP and that work will be getting done.

14   And then, finally, the structural issues at

15   Building 17 and 18, I'll hit Building 18 first.

16   It was a storage for a Bobcat, a piece of

17   equipment, and so we have decommissioned that

18   portion of the building and will be removing that

19   for the safety of the occupants of the campus.

20   And then the structural issues at Building 17

21   which is also being used for storage, we are

22   having a Castaldi done on that to determine any

23   life left of that building. And if their -- if

24   the recommendation comes back to demolish that,

25   obviously, the state will have to approve that,

1   as would the board. And if that happens we will

2   be relocating one of the panels for the fire

3   alarm, which is in that space.

4   And this is the Change Orders Approved this

5   Quarter. I don't know if -- it's pretty

6   self-explanatory. We do want to touch on -- I'm

7   not sure, there you go. We wanted to talk a

8   little bit about Errors and Omissions and what's

9   happening on the program. So, typically, you'll

10   have anywhere -- on renovations, anywhere from

11   8 -- 5 to 8 percent of change orders due to

12   unforeseen conditions, errors and omissions,

13   those kinds of things.

14   What we wanted to talk about was, in the

15   TaxWatch report it was pointed out that taxpayers

16   have cost -- I'm sorry, that these items have

17   cost the taxpayers more than $5.4 million. The

18   reality of that is that the district, obviously,

19   gets a value from those change orders. So it's

20   not just a matter of, it's a percentage that we

21   look at for what the A&E would be responsible for

22   if the district were to decide that they were

23   going to try and recover any costs. It's a small

24   percentage. It's only what was -- the dollars

25   that would have been charged on bid day and then,

1   of course, taking into consideration that the

2   district is getting value for the work that's

3   being installed as a change order.

4   So we also explain here that the two types of

5   error categories that fall under change orders is

6   a full cost recovery, meaning that the difference

7   the owner would have to pay on bid day versus

8   what the owner pays in a change order, which I

9   previously explained. And then the partial cost

10   recovery is the difference the owner would have

11   paid on bid day versus what the owner would pay

12   in a change order; if the work has not been

13   installed.

14   So if you are ahead and you're reviewing

15   these things, which our project managers strive

16   to do with the contractors, those elements are

17   not being installed to where we have to reinstall

18   to correct the issue.

19   So, again, this is just an update on Holding

20   Vendors Accountable. We have talked about this

21   before and we wanted to, while the district

22   report identifies 805 in damages and financial

23   penalties recovered from the design firms, I

24   don't have the total with us today, but any

25   project that is now delayed beyond what the -- if

1   our schedulers, for example, if the contractors

2   are delayed and they compose and develop a time

3   impact analysis, our claims department takes a

4   look at those and determines if -- whose fault

5   the delays were. So it's either the A&E, it's

6   the owner, or it's the contractor.

7   Any time that we recommend to the board and

8   get approved to extend the contract date,

9   obviously, they don't get charged for any

10   liquidated damages. Up until that point we hold

11   liquidated damages. We don't pull it out of

12   their contract, but we hold it on a monthly basis

13   tracking the time and the delays.

14   So we just wanted to clarify that, you know,

15   just another way to hold, not only vendors and

16   architects and engineers, but contractors, as

17   well.

18   So I'm going to turn it over to Ashley and

19   she can do an update on some of the budget.

20   MS. CARPENTER: Thank you. Ashley Carpenter

21   with Atkins. What I wanted to do here was just

22   give you a little bit of supplemental information

23   related to the projects that get flagged for

24   budget in the report.

25   I know in the TaxWatch report there was a

1   section, you know, talking about the budget

2   issues, but I just wanted to kind of highlight

3   what are the reasons why we would have something

4   where the budget changed. And I know we've

5   talked about before, the number one reason and

6   the reason that represents far and away the big

7   dollar value is when we award the construction.

8   So the original funding was set in 2014 and that

9   original funding was not adequate to deliver the

10   scope that was promised by the district,

11   particularly, when you look now nine years down

12   the road. So when we take the projects to the

13   board and ask them to approve the award of the

14   construction they're also in almost every case

15   approving additional funding that then gets added

16   to the project budget so that we can actually

17   issue the PO to the contractor.

18   So that's the biggest dollar value for any of

19   these budgets. And we kind of think about it

20   like, now, before construction starts, we're

21   really setting that final budget for what that

22   project, you know, is going to be delivered for.

23   And in the December 2022 report there were 14

24   projects that were flagged for budget, 7 of them

25   were for construction award and that represented

1   a total of $30.7 million in additional funding

2   that was added to the SMART Program budget.

3   The second item here is -- the second type of

4   budget adjustment is related to construction

5   change orders. So we do have in the project

6   budgets a five percent change order contingency

7   that we can use to do change orders. Sometimes,

8   as Kathleen mentioned, on these renovation

9   projects, industry standard is really higher than

10   5 percent. You know, 7, 8 percent would be

11   typical.

12   So some projects they end up exceeding the

13   available dollars that we have for change orders

14   and we have to go to the board for additional

15   funding to pay for those change orders before

16   they can be approved. In this report there is

17   .48 -- $0.48 million that represented, you know,

18   change order monies that were being added to the

19   project.

20   And then really the only other type of budget

21   adjustment that we do is when we do a financial

22   closeout, when all the POs are closed, and then

23   Capital will take a budget amendment to the board

24   for approval that basically returns any remaining

25   dollars in the project back to the Smart Reserve.

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 1   So those are what you'll see, typically, in a

 2   report under the budget flags. So we just kind

 3   of wanted to highlight that and show you that,

 4   really, you know, the biggest thing is when we're

 5   studying the budget for construction and then

 6   there's other minor things that happened in the

 7   jobs as well.

 8   This next part is really around the risk

 9   assessment. This quarterly risk assessment did

10   increase and there were a few different reasons

11   for that. It increased by about $14 million on

12   the 70 percent risk result. And I'll just give

13   you a few bullet points on why that happened.

14   Number one, I increased the allowance that we

15   had in the risk for the swing space program.

16   Kathleen talked to the board and to this group

17   and other groups about the swing space program

18   before. That's helping us to deliver the

19   projects on schedule and with, you know, less

20   destruction to the schools by bringing the kids

21   out of the classrooms and putting them into

22   portables so that HVAC work or whatever can get

23   done in the building that's not occupied. And we

24   had some allowance in the risk for swing but we

25   increased that this time based on, you know, what

1   we know to be true now and what's being planned.

2   The other thing is just an increase in the

3   construction estimates. So while we've been

4   doing estimates, you know, every month there's

5   estimates that are completed on projects that

6   haven't gone to construction yet, those estimates

7   continue to go up and we've seen over this past

8   six months, you know, pretty much every bid come

9   in slightly above the estimate. If the estimate

10   was done three months ago, the bid's coming in a

11   little higher, you know. The market is changing

12   so quickly. So we wanted to really acknowledge

13   that in a risk assessment and do an analysis of

14   that.

15   The other thing is related to soft costs, so

16   the program management, the inspections that are

17   being done by the Building Department

18   consultants, the potential claims that we have in

19   the work, whether it be for architects or for

20   contractors, and, you know, we just wanted to

21   make sure we were carrying enough in the risk for

22   those things.

23   And then the last thing is the increase in

24   the likely change orders over the program. So if

25   I was sitting here a year ago or two years ago

1   and we were saying, well, the change orders

2   program wide are less than half a percent, you

3   know, of the construction value, but now we see

4   that it's creeping up, creeping up, so now we're

5   at about 1 percent, which is still pretty good,

6   but we wanted to acknowledge that in the risk

7   this is probably going to get higher. You know,

8   typically, with really big massive change orders

9   they just take a long time to negotiate and get

10   settled and sorted out and so a lot of times

11   those come near to the end of the project and we

12   wanted to include in the likely risk about two

13   and a half percent of change orders.

14   I hope that that's enough and that's what's

15   included in this risk assessment. So those were

16   really the main things.

17   The high end risk went up 11 million and the

18   70 percent risk result was 14 million.

19   MS. LANGAN: So just to bring a conclusion, I

20   guess we'll do questions later, after, but just

21   to let the board know that we did add a memo that

22   sort of has the additional detail of what we

23   presented today and it gives the additional

24   detail of the School Safety & Security Projects.

25   And, with that, I'll turn that over to

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1 | TaxWatch and Omar.

2 | MR. NAVE: Couple questions.

3 | Sorry. Couple questions. First of all, I

4 | just want to say I think the last quarterly

5 | report that the district put together shows a lot

6 | of progress. If you look at the TaxWatch report

7 | there were no recommendations in the report. And

8 | I think that's the first time I have not made any

9 | kind of recommendations. And the reason I did

10 | that is because it is obvious that the district

11 | is making a lot of progress on these and

12 | continually to -- you know, to beat Mr. Ballou up

13 | for Supplier Diversity when there's only a small

14 | segment of the vendors who even work on

15 | construction, I just decided I didn't want to do

16 | that.

17 | But I want to look at, going through the

18 | packet that was put together, quick question on

19 | the Safety & Security stuff, because I look

20 | through the school spotlights on every project to

21 | see which ones have anything in the scope that

22 | would be Safety & Security related and then I

23 | look at the status of that primary renovation

24 | project to see if it's on time or not. Is there

25 | something, Kathleen, on those forms that I'm

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1   missing or is this, the data, the 100 percent,

2   the 23 projects, is that something that is not in

3   there but you're adding a response to our report?

4   I just want to make sure I didn't miss that.

5   MS. LANGAN: Sure. This is part of our

6   monthly report, the variance report. And so

7   those 23 projects, we'll start adding this to the

8   quarterly report. Right now it's been in the

9   monthly. And so we'll start adding it. But, no,

10   this was not -- it was not in the spotlight.

11   MR. NAVE: Okay. And on the design delays, I

12   know when we did the 2020 reset schedule a couple

13   years ago, the -- the logic was that, you know,

14   if we flatten and extend the schedule we can have

15   fewer back and forths on -- with the design firm.

16   And I think at the time, I think, Kathleen, you

17   all were seeing nine or 10 or more and with the

18   2020 reset it was predicated on about 5. And I

19   think if you look at figure 1 in our report, if

20   you look at before the 2020 reset schedule, there

21   were roughly 190 to 200 projects that were

22   delayed in any given quarter. Since that

23   schedule reset it's now under -- under 50. It's

24   -- I think it's 40 to 50 that are delayed. And

25   then for the first time ever we've got projects

1   ahead of schedule.

2   So I think on Facilities Construction side

3   there's a lot to feel good about. We've only

4   got, what, 10, 15 projects in the design phase?

5   So any kind of design comments and stuff are

6   probably going to start dropping out, if not in

7   the next report, then probably the one after

8   that.

9   I had a question on Stranahan where we say

10 the status, the construction status is 100

11 percent complete but we've got at least four

12 change orders to do a lot of work. And I don't

13 understand how we can say it's 100 percent

14 complete if we've still got all this work to do.

15 So maybe you can take a minute and educate me on

16 that.

17   MS. LANGAN: I'd be happy to.

18   So this was additional work that is -- was

19 outside of the contract. So maybe a better

20 statement is it's 100 percent complete with

21 contract work. This was -- this was work added,

22 and, frankly, we identified without the CMR

23 necessarily being involved, we were out and

24 looking at some of the conditions and these

25 change orders had been languishing with the

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1 contractor. So rather than, you know, wait for

2 him to give us pricing or schedules or whatever

3 it was we just decided that we would not pursue

4 those change orders with that firm and perform

5 them outside.

6   So it's probably an incorrect statement to

7 say that all construction because as we were

8 going through construction, just like Building

9 17, Building 18, we identified some real concerns

10 out there that maybe weren't in the original

11 scope that we started with and then, as I said,

12 we're going to do some of those repairs under a

13 CSMP. Buildings 17 and 18 we won't do anything

14 with until we get the results of the Castaldi and

15 the state approves that and then it's up to the

16 board whether or not we, you know, demolish that

17 right away or not.

18   I hope that helps correct that.

19   MR. NAVE: No, that's very helpful. Thank

20 you.

21   The final comment, the risk, the financial

22 risk, I think this is the first time that all

23 three scenarios have been north of $700 million.

24 And TaxWatch, you know, we identified a number of

25 issues going forward that we think are critical

1   and the financial risk is certainly at the top of

2   that list, so --

3   That's all I have. Other than that I -- I

4   think -- I hope everyone is seeing progress that

5   the district is making. Because when I look at

6   their report I see it.

7   MR. HILLBERG: Thank you. Mr. Shim?

8   MR. SHIM: Good evening. Omar Shim, Director

9   of Capital Budget.

10   This Quarterly Budget Activity Report is for

11   the quarter ending December 31st, 2022. The

12   total SMART Program budget increased by 29.8

13   million, as mentioned before for that last

14   quarter. That's from 1,527.5 million to 1,557.3

15   million, which is shown on page 399 of the

16   quarterly report.

17   A detailed list showing each project that

18   the -- that had budget increases is shown on

19   pages 403 to 426 in the actual report.

20   From the total 1,310.5 million is either

21   committed or spent. And the balance of funds

22   that are not encumbered or spent is 246.8

23   million.

24   Expenditures through second quarter are 956.2

25   million as shown on page 428. This is a $42.7

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1   million increase in expenditures from the

2   previous quarter.

3   And purchase orders in place are 354.3

4   million.

5   Now, in addition to the SMART Program funding

6   that's identified in the project budgets the

7   district did set aside reserves in the amount of

8   691 million for additional costs identified in

9   the Atkins Risk Assessment. And this is sort of

10   how we have managed the program-wide risks of the

11   program. And as was mentioned, they were

12   originally budgeted back in 2014. And so we

13   expect as we go along and manage that risk by

14   setting aside reserve funding so that when we

15   actually do award these projects there's funding

16   set aside to fully fund the projects based on

17   that risk.

18   However, the last risk assessment which

19   actually came out after we were finishing up this

20   report did show a variance that was a little bit

21   higher than what we have in reserve.

22   So I wanted to provide a comment that was the

23   observation in the TaxWatch report that the risk

24   assessment was higher and this will -- our

25   recommendation as to how much and when to true up

1   our reserve is being developed at this point and

2   we'll bring something to the board and have that

3   discussion about how to address that issue.

4   The district does, however, have 141.7

5   million in unallocated reserve outside of the

6   SMART Program. So funding could come from there

7   if the board acts and is willing to do that.

8   And that ends my presentation.

9   MR. HILLBERG: Thank you. Comments from the

10 Bond Oversight Committee?

11   CHIEF DEMOPOULOS: Tommy Demopoulos, I have

12 quite a few.

13   So starting with Bob's comment about the Big

14 3 and the report, I will agree that it's a little

15 misleading when I saw a green checkmark and it

16 says, status, complete, irregardless of the

17 construction percentage next to it. Just a

18 suggestion, maybe not a big green checkmark with

19 the word complete, because it is a little

20 deceiving, especially with the ones you say 100

21 percent. So I'll definitely mimic what you said

22 there, it threw me off a little bit.

23   Permission to keep going? I have a handful.

24   Thank you.

25   Safety & Security, I understand we continue

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1   to say we're done and I get it, and I will

2   continue to say, we are not done. Single Point

3   of Entry, in my opinion and in the Broward County

4   Fire Chief's opinion, was not the intention or

5   the only intention of the bond. There were

6   schools that didn't have fire alarms that were

7   promised fire alarms; there were buildings that

8   didn't have fire sprinklers that were promised

9   fire sprinklers. And, obviously, single point of

10   entry and hardening the vestibules is far from

11   being done. So, again, I have been taking steps

12   to work with the new Safety & Security Chief and

13   the Fire Code Official in recognizing and trying

14   to prioritize, but I will continue to say, in my

15   opinion and the Fire Chief's opinion, the Safety

16   & Security is not done.

17   I'd like to touch really quickly on some of

18   the change orders. A lot of these on the report

19   say owner's request. And I guess my question --

20   I know Adam brought this up last meeting, but,

21   why? Why so many? And I guess this is more for

22   the district. It seems like we're -- I want to

23   say shooting ourselves in the foot. There's

24   $6,000 in replacing dead trees, 50,000 in

25   installing Somat system, relocating a clock for

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1   3,000, redesigning a culinary STEM lab for

2   67,000, all that are identified as owner's

3   requests. So I guess my question is, why has the

4   owner, who is the school board, changing all of

5   these things? Are they last minute? Should

6   these be part of the bond oversight project?

7   And I guess staying on that same track, 26.5

8   of the projects were delayed or are delayed due

9   to owner delays, which is on page 58. So I guess

10   my question, if we can have some interaction, why

11   is there so much owner delays?

12   I don't know who wants to answer that.

13   MS. LANGAN: I'll take a shot and maybe

14   Shelley will jump in there as well.

15   So, regarding the culinary or STEM lab, when

16   the designers complete those documents those --

17   because we didn't have educational specifications

18   for all of those types of spaces, it was

19   really -- the designer afterwards worked with the

20   principal and the curriculum specialists who

21   really put the rest of that design together

22   during construction. So that's been pretty

23   standard that we have seen through the bond

24   program in these specialty spaces. You know,

25   especially, I'll give another example of the

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1   media center, you know, if we have associated

2    $150,000 worth of improvements in the media

3   center, that includes the walls, the painting,

4   the construction portion. So it may not include

5   all of the furniture, fixtures and equipment. So

6   there's things like that that are considered

7   owner requests.

8   As far as delays, we are working with the

9   Building Department and the Fire Marshall. What

10   happens is during final inspections or startup

11   inspections the inspectors will come out and ask

12   for additional work to be done. And so if we

13   can't close out at the same time that we had

14   planned, obviously, if the contract work is

15   complete, that's great, but then if we're -- if

16   we can't get finals until these changes are

17   completed, then, clearly, it delays the project,

18   at least the completion of project.

19   I'm concerned about your thoughts on Safety &

20   Security and would like to meet with you at some

21   point to get into the details more of what

22   exactly we're talking about. I know at the last

23   meeting we talked a lot about what was considered

24   Safety & Security in the ADEFP. And so that is

25   not defined, necessarily, or pulled out in this

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1   analysis. This was really more associated with

2   the fire alarms.

3   If there are fire alarms that are programmed

4   elsewhere outside of the bond, you know, we

5   should talk about those, and I know the district

6   is working towards -- you know, we're working

7   with them on a long-term plan. These are things

8   that need to be identified as deficiencies and I

9   know Omar is working to start the DEFP process,

10   and he could probably speak better about it than

11   I could, but these are things that would be

12   recommendations to have the board consider for,

13   you know, future funding items.

14   What else was there?

15   CHIEF DEMOPOULOS: I think that was it.

16   But to go back to that, so when I first

17   started I was unaware and I still, honestly, am

18   unaware of the original scope of the bond

19   oversight; right; or the bond.

20   So prior to me being aware of this or being

21   appointed here, some of the discussions as a fire

22   code official with the school board was, oh,

23   there's X amount of buildings that have no fire

24   sprinklers and this bond will move towards fire

25   sprinkler protection. One of the schools was in

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1   Tamarac, Tamarac Elementary, two of the buildings

2   had no sprinklers and I'm, honestly, not sure if

3   all that project is done.

4   But when I talk about Safety & Security that

5   is one of the things, not so much emergency like

6   exit signs, I get all that and that's part of the

7   renovation, but the initial items to enhance

8   school safety and security in the buildings not

9   so much, you know, removing a strobe light or

10   moving a fire sprinkler, we get that, that's part

11   of the renovation. So I guess the original

12   scope.

13   The second thing is with the Building

14   Department and the Fire Marshall or Fire

15   Department going back and forth, the outsider

16   looking in, but they should -- they shall be

17   providing you with code sections, and there's a

18   bill in the legislature right now that's going to

19   mandate if we make any changes to building plans

20   that we shall provide a code section to you. So

21   I would challenge you to challenge them, if

22   they're not telling you why the walls should be

23   blue and we're just paying for it, we really

24   should be -- if it's not on the approved plans

25   and it's not something that was overlooked, they

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1 shouldn't just be coming to say, hey, we want

2 this now.

3   MS. LANGAN: Understood. And I think that,

4 you know, obviously, we are here to meet code.

5 And sometimes I think it's the lens with which

6 the inspectors are looking through at work. So

7 if they go in and we didn't have any work on the

8 ceiling, but yet they're looking, and they're

9 saying, well, wait a minute, this isn't correct

10 or this doesn't meet code, then they want to make

11 sure that even areas that weren't necessarily in

12 the scope, they want to look at that.

13   Now, we have worked very hard with the

14 Building Department and the Fire Marshall to curb

15 that. And I think we've been pretty successful.

16   We meet every Friday now with Mrs. Judy

17 Marte, the Deputy Superintendent, and if there

18 are -- we go through a lot of these issues.

19 Okay, this scope is being asked for, what do we

20 want to do with it? And she will make the final

21 decision.

22   I just want to be clear that we're always

23 there to meet code on anything that was in the

24 original design documents.

25   Some of the changes are requested from the

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1   design standards. And we know working with

2   pre-construction that those are all important.

3   But we also know that those design standards are

4   based on new buildings. So it requires a lot of

5   judgment calls throughout the construction.

6   But I -- I would like to, you know, work with

7   you on some of these and just make sure we

8   understand, and I'm sure Shelley would, too, to

9   repair for the next year's budget.

10   CHIEF DEMOPOULOS: Thank you.

11   I'm going to keep going.

12   So we talked about Building Department back

13   and forths and that it's gotten better. Do we

14   have data on the actual numbers of reviews on

15   average? I know it used to be what you said nine

16   or 10 or 12. What is it now and the average

17   days? It used to be 192 days for these change

18   orders. Do we have any data? We asked for that

19   at the last meeting. I don't know if enough time

20   has lapsed or if we need to wait.

21   MS. LANGAN: It hasn't, but we are collecting

22   that and I will just say that we make -- we give

23   it a priority. If an architect is asking for

24   additional construction administration services

25   or additional moneys for those types of things,

1   we go back and study the original design

2   schedule. And if they were behind schedule, if

3   they didn't submit their submissions timely, we

4   take all of that into consideration and reduce

5   the amount of, like the FLCC budgets, you know,

6   they have a right to ask for the difference in

7   their fees to construction costs. We don't just

8   arbitrarily pay that. We spend a lot of time to

9   make sure that we're considering their

10 performance during the design phase.

11   MR. DEMOPOULOS: So as we move on a little

12 more we'll have some better data on that?

13   MS. LANGAN: Yes, yes, we'll make sure that

14 we are collecting this data and bringing

15 something forward. I don't know that it will be

16 at the next meeting, maybe the meeting after

17 that.

18   CHIEF DEMOPOULOS: Understood. Thank you.

19   Has there been any improvement to, and I

20 don't know if Policy 8000 was actually approved,

21 I thought it was, to change the superintendent's

22 approval from 25,000 to 50,000; did that go

23 through and are we exercising that? Have we seen

24 any improvement?

25   MS. LANGAN: We are exercising that. I think

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1   we have seen an improvement. I know that the

2   superintendent also, without going to court or

3   the board, based on recommendations from staff,

4   she can approve -- she or he can approve $5,000

5   or less without going anywhere else. That's

6   improved things quite significantly. And then,

7   obviously, increasing the value of the change

8   orders.

9   CHIEF DEMOPOULOS: Why, this last quarter,

10   was zero dollars recovered from the vendors on

11   page 57? I guess last quarter we got 800,000,

12   900,000 -- 805,000 -- $805,000. This quarter was

13   zero. Any specific reason?

14   MS. LANGAN: Sure. Well, do you want to --

15   MS. CARPENTER: Okay. So as we're moving out

16   of the design phase, that holding vendors

17   accountable section, we were reporting on dollars

18   that were recovered because architects were

19   delayed during design and we were recovering

20   those dollars. As they were coming back to us to

21   say we need more money for X, Y and Z, we were

22   saying, that's interesting, and we'd like to

23   speak about that, but we would also like to talk

24   about the fact that, you know, you were very late

25   in design.

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1   Kathleen has even kind of cracked down more

2   on that to say, not only are we saying, now, you

3   were very late in design, we're saying, hey, if

4   the school board had been able to advertise this

5   job in 2020 instead of in 2021 or 2022 we would

6   have been able to save X amount of dollars, which

7   is a huge impact to the school board, and we

8   don't want to bare the burden of that entire, you

9   know, cost adjustment or whatever.

10   So we're -- we are cracking down on that with

11 them. However, you know, we're just moving out

12 of design now, so we're kind of getting to the

13 point where there aren't that many more of those

14 to deal with. But I would say, even more than

15 that and what's hard to kind of put on a slide

16 and say how many dollars have been recovered, is

17 AECOM's commitment to really challenging those

18 architects to say, no, you're not owed money for

19 extended CA because you were delayed and they're

20 having their schedulers really then build that

21 timeline and put together the analysis to say,

22 absolutely not, you know, you were delayed here,

23 here and here, even during construction. And so

24 it's -- we can't really say, oh, we saved this

25 money or whatever, but we're not taking those

1   amendments to the board and having the board give

2   those architects extra dollars on those.

3   So there is a lot being done to hold vendors

4   accountable. I don't know, maybe there's a

5   better way to present that in a report.

6   CHIEF DEMOPOULOS: Yeah, it just threw me off

7   with 805 and then a zero, so I wasn't sure if

8   there was something behind that.

9   MS. LANGAN: I think we can start reporting,

10   as Ashley mentioned, we're so much into

11   construction now, that we can start reporting on

12   dollars being withheld on liquidated damages. So

13   we can definitely, you know, as the program

14   moves, that's the phase that we're really focused

15   on now.

16   CHIEF DEMOPOULOS: And I think my last thing,

17   I did bring this up before, I think I got

18   tomatoes thrown at me, is there consideration on

19   pushing back projects or not moving forward? I

20   know our city, when we look at our capital

21   improvement, we're like, oh, my gosh, this is not

22   great, let's put this off for a few years until

23   things stabilize or we put away money. It seems

24   like things are getting worse, not progress-wise,

25   progress-wise I hear really good things, but with

1   industry, and things on back order, and

2   construction costs, and things like that, I just

3   -- I don't think I would personally do

4   construction on my house, so I don't know why we

5   continue to do construction in the schools,

6   unless it's absolutely necessary.

7   Thank you.

8   MR. HILLBERG: Kathleen, did you have a

9   response to Tommy's last statement?

10   MS. LANGAN: Sure. Sure. Actually, it came

11   up at the last board meeting, that consideration,

12   specifically, from board member Dr. Zeman. So

13   what I can tell you is that there are four to

14   six, maybe seven projects that we will be

15   bringing to the board to defer and include in the

16   long-term plan for reconsideration.

17   I think the philosophy as I understood it

18   from board members, I'm going to kind of look

19   around here, but I think it's, promises made,

20   promises kept. And I might just say that, you

21   know, as a person who's run a lot of bond

22   programs, if you -- if the district anticipates

23   going out for another bond, and, hopefully, they

24   do, or some other way to fund the needs of -- a

25   lot of needs in the schools, you know, it's going

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1 to be important to be able to say that, while the

2 challenges were there for the SMART Program,

3 we -- we met what we -- we did what we said we

4 were going to do. And so I think that that's a

5 really important part. Maybe not at the, you

6 know, at the detriment of cost, but I think as

7 long as the district can fund those we should

8 finish it up and then take those projects that

9 we've noted as, this should be on hold or go into

10 the long-term plan, we do so.

11   MS. CARPENTER: And can I just add that for

12 the few projects that Kathleen is talking about

13 potentially being rolled into the long-term plan,

14 the reason is because the scope is not

15 well-defined, really, what was called out in the

16 original SMART is not appropriate for the campus.

17 I don't know if it was appropriate back then, but

18 it's not appropriate today. So it really needs

19 to be re-looked at as part of the bigger picture

20 of what's happened in the district. So, you

21 know, it's not just, kind of, oh, well, these

22 projects are at the end so we're not going to do

23 them. It's not like that at all. It's just that

24 the scope needs some real work before we just go

25 out there and slap on a roof or an HVAC.

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1   CHIEF DEMOPOULOS: I didn't have a question

2   but I have a follow-up.

3   MR. HILLBERG: Sure.

4   CHIEF DEMOPOULOS: Is there -- and you keep

5   talking about the scope and I get it, but is

6   there a delineation between the scope for the

7   bond and the scope for all this other stuff?

8   Like can we just finish the bond things and then

9   we end everything and you continue on your

10 capital improvements as we all do?

11   I don't know how that's possible; if that's

12 possible.

13   MS. LANGAN: It is. We have really focused

14 down and, as I mentioned, with the Deputy

15 Superintendent's help and working together with

16 pre-construction, the Building Department and the

17 Fire Marshall, we are really, I mean, I can just

18 tell you, everybody's always mad at me for not --

19 not signing that, not signing that, not signing

20 that.

21   So we're -- we're very focused on it and

22 being very cautious that we only do the scope

23 that was called for.

24   MR. HILLBERG: Mr. Nave, you had a question?

25   MR. NAVE: Yeah, I wanted to ask a question.

1   Is anyone here tonight an employee of the

2   district's facilities construction office?

3   MS. MELONI: Yes, I am.

4   MS. LANGAN: Shelley is.

5   MR. NAVE: You are? Okay. Thank you. I

6   wasn't sure if there was one here.

7   MR. HILLBERG: Mr. Demopoulos, are you --

8   CHIEF DEMOPOULOS: I think I'm done. Thank

9   you.

10   MR. HILLBERG: Thank you. Very thorough

11   questions.

12   I did have some quick things. One, it's been

13   hard to see good news in the time that I've been

14   on this committee, but the fact that tonight is

15   the first night I've ever heard, and thanks for

16   confirming it, it's the first time that we've

17   ever had projects ahead of schedule. That's a

18   major, major thing and I think that deserves

19   recognition.

20   We're coming to the end on the Big 3. That

21   is another major accomplishment. And also to

22   follow that up it looks like the School Choice

23   programs are winding down or will be finished

24   probably in the next two meetings, which we've

25   been looking for for a while and there wasn't

1 progress very quickly made on that, but it seems

2 like the last quarter it really jumped. So those

3 are very good things.

4   And now I think we should move along to Mr.

5 Ballou with the Economic Development & Diversity

6 Compliance section.

7   MR. BALLOU: Robert Ballou, Office of

8 Economic Development & Diversity Compliance.

9   The first slide is kind of what Bob alluded

10 to, we have 502 local businesses that are

11 certified as local business. But as we move into

12 the true just construction projects, as Kathleen

13 also talked about, we have 54 pre-qualified local

14 suppliers that have pre-qualified and are bonded

15 to do work on the construction-related projects.

16 And so there are 134 in total, 54 are local

17 businesses. So instead of the 502 number, for

18 the next couple of meetings we'll be talking

19 about those 54.

20   The 28 percent, our internal target was 30

21 percent, and if you recall last year Q4 that

22 number was 27 percent. Specifically, it was

23 27.11. It is now 27.98. So it's an 84 basis

24 point increase. How did we get there? Year to

25 date Q1 and Q2 we're at 39 percent utilization.

1   So we're doing more than 30 percent, trying

2   to catch up. We may not catch up to the 30 but

3   at least for this meeting I will walk out

4   unscathed that we did more than 30 for year to

5   date so far.

6   The other number that we're happy to report

7   that we couldn't report with confidence before is

8   our subcontractor number. We now have fully

9   implemented our B2G system that allows us to

10   report all subcontracting activities on our -- on

11   our contracts. So we're at 42 percent spend

12   utilization on all contracts.

13   So we looked at 28 percent utilization at the

14   direct level, but then separately the second line

15   is, yes, we awarded those contracts, but 42

16   percent of all of that spending is going on with

17   local suppliers and our internal target on that

18   was 29 percent.

19   And then marketing activities, 208.

20   So that's the, if you will, the bulk of the

21   report. And now a little bit of details.

22   Secondly, we agree the district needs to do

23   more with African American women and any of the

24   ethnic groups that we highlighted. So while we

25   agree with that, we don't necessarily agree with

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1　the target goals anymore because the target goals

2　were based on demographics of, truly

3　demographics, but not availability of suppliers,

4　but we won't get into that today. But what we

5　will say is that in this quarter we awarded an

6　$8.7 million contract to an African American

7　supplier, so that is doing more.

8　　　　Next slide?

9　　　　This is the details that I talked about, the

10　54 pre-qualified suppliers as opposed to the 500

11　suppliers. So we will write -- our agreement

12　with TaxWatch is we will rewrite our presentation

13　of our certified suppliers for next presentation

14　so that they will have the data. They did not

15　have this data, so they couldn't report on it.

16　So I won't let Bob tell me that he can't report

17　on what I didn't give him, so I will give it to

18　them for the next time.

19　　　　Next slide?

20　　　　And here's where we're talking about where we

21　went from the 27.1 to the 27.9. We went from 381

22　million at the end of Q4 2023 and we're now at

23　the 424, which gives us a solid 28 percent end

24　movement.

25　　　　Where we are talking about, Robert, why do

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1   you keep saying there's so few suppliers and

2   there's a cap? So the cap in construction spend

3   is, you as a contractor can only do what you're

4   bonded for. And if you're bonded for $20

5   million, you're bonded for $20 million with all

6   of your customers, not just with the school

7   district. And anybody would say you might want

8   to diversify your customer base. So if you have

9   a $20 million bonding you might not, could,

10 should, would, do more than 10 million with a

11 customer; right?

12   So if I add up all the African American

13 pre-qualified suppliers bonding, in total it's

14 $105 million.

15   Bringing that down to what would be

16 reasonable from a business perspective, there's

17 probably only 40 to $50 million of available

18 spend. And we've already done 23 million.

19   So we have another $20-some-odd million out

20 of available spend, oh, and we just awarded 8.7

21 million this quarter. So that 20 million now is

22 12 million of available bonding that that number

23 can go to. So the African American number on the

24 best day will be 50 million, which is far less

25 than 19 percent.

1   Does that makes sense?

2   So that's kind of -- and then the other

3   argument is, well, why is the Hispanic number 200

4   million? Well, the availability of bonding is

5   over 400 million. That's why.

6   Next slide?

7   So we're doing all the other stuff. We're

8   still doing the pre-bid meetings, we're doing --

9   and we call these ongoing activities. So we

10   started doing them as we identified we had a

11   problem and we're doing more of them.

12   We have three projects that we're working

13   with Procurement on writing that we will be

14   advertising within the next short period of time.

15   And in those three projects there will be pre-bid

16   meetings and we will have pre-bid meetings, we'll

17   invite subcontractors and we'll invite all the --

18   of those 54 certified pre-qualified contractors

19   that have the bonding available for those three

20   projects, we'll make sure they're in the room so

21   they have a chance to bid on the project.

22   Next slide?

23   This is just showing that we're at 42 percent

24   of our subcontracting when we write our API, our

25   Affirmative Procurement Initiative, the mandatory

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1 line is 29 percent. Even with the mandatory line

2 of 29 percent the majority of our suppliers have

3 exceeded it and we're at average of 42.

4   Next slide?

5   Well, how do we get this word out; how to we

6 communicate? Well, it's a seven-step process.

7 It's outreach, outreach, outreach, outreach,

8 outreach, outreach, outreach. I think I said it

9 seven times. But that's the process. We

10 literally start with a query of available -- of

11 suppliers in the network. When we're working on

12 writing the RFP we contact the suppliers that are

13 in the scope to see whether they want to work on

14 that.

15   So that's notice that something's going to

16 happen. We can't tell them exactly what's

17 happening, but there's notice that something's

18 going to happen. So that's the first survey.

19   We do follow-up phone calls and then when the

20 district does the solicitation we broadcast that

21 on DemandStar and then we follow that up with

22 social media posts, which Garth helps us, and we

23 get the word out to everybody; right?

24   We follow that email blast up with an

25 additional email blast to the business community.

1   We call more people. We do more social media

2   posts. We beg, borrow and steal to try to get

3   them to come to a pre-bid meeting as a prime,

4   because if you don't come to the pre-bid meeting

5   you can't bid. And we use the pre-bid meeting

6   for a Meet the Prime event for our

7   subcontractors. So then if a contractor says I

8   can't find a -- an electrician, well, there's

9   three of them that came to the pre-bid meeting,

10   so you didn't look far, but, guess what, we give

11   those three subcontractors the primes that were

12   at the pre-bid meeting so they can market

13   directly. So our Meet the Prime event is why you

14   will never see -- I won't say "never", why you

15   don't see a lot of Meet the Prime events at

16   Broward County Public Schools is because the Meet

17   the Prime event is the pre-bid meeting.

18   Next slide?

19   We're still working with the South Florida

20   Anchor Alliance to create more opportunity for

21   our suppliers throughout South Florida. We have

22   streamlined the certification process. So if

23   someone is a certified supplier in Miami-Dade

24   County Public Schools or Palm Beach County Public

25   Schools, it takes exactly 14 seconds to get

1 certified. Not 15, 14 seconds. I'm speaking

2 because I'm the certifier. We use B2Gnow, full

3 disclosure.

4   Both Palm Beach County and Miami-Dade Schools

5 use the same B2Gnow system, so I can look at the

6 system and see that they're certified, so I don't

7 need the supplier to send me third party

8 confirmation because I can see it in the system.

9 And we've evaluated their -- their process for

10 certification and we value them as business

11 partners as well, so I can literally see in B2G.

12 We added the module in B2G so I can just push the

13 button. The supplier goes on, clicks two

14 buttons, yes, I'm certified with one of those

15 districts, and, yes, I have an SAP vendor ID. If

16 the answer is yes to both, it immediately goes to

17 my queue, I click to verify that I can see it.

18 It takes 14 seconds because I have to go in and

19 verify and see it with my own eyes and then I

20 click and they're now certified.

21   So it took a process that could take anywhere

22 from 30 to 45 days, again, down to one day. My

23 staff won't let me say 14 seconds, but I said it

24 here.

25   And then we do our technical assistance in

1   B2Gnow as well as we added it on our website. So

2   if you go to browardschools.com/eddc, Edward,

3   David, David, Charlie, right-hand side there is a

4   button to click to sign up. We use Calendly, so

5   you can click and register and make an

6   appointment and then our certification staff will

7   move their schedule around to meet you at your

8   allotted appointment time so you don't have to

9   worry about trying to find somebody. As well as,

10   if you ever have a question, you call (754)

11   321-1517 and it will be immediately answered and

12   directed to the appropriate staff.

13   Next question -- next slide.

14   And then that's just a summary of all of our

15   activities we're doing; if you will. I won't say

16   a lot. We're doing what we need to do to drive a

17   better experience, again, making the district a

18   more compelling place to work.

19   We'll report at the next quarter meeting a

20   meeting that happened last week, because that

21   technically didn't happen in this quarter, so I

22   will leave you with that cliffhanger of we have

23   good news to tell you about what happened in Q3

24   here at Broward County Public Schools.

25   MR. HILLBERG: Thank you, Mr. Ballou, for

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1   another very good presentation, as always.

2   Let's move on to Communications and Yvonne

3   Garth.

4   MS. GARTH: Yvonne Garth with Garth

5   Solutions. We're the communications liaison for

6   the SMART Program. And I just want to say that

7   Mr. Ballou is always a hard act to follow. I'd

8   like to request that I go ahead of him.

9   Okay. Communications Update. You heard

10   throughout the presentation today that there's

11   been a lot of progress made with over 200

12   projects in construction. From a communications

13   standpoint it gives us a lot of great news to

14   share with the community and we've been focused

15   on celebrating those successes in a number of

16   different ways.

17   Next slide?

18   We have been going out to the schools almost

19   on a daily basis to capture the progress that's

20   being made with images, with pictures, video, and

21   so forth.

22   The website, as you may know, we have a web

23   page for every single school, 232 schools, so as

24   we capture that footage and those updates we

25   update the websites and we let the school

 1   community know so that they can share it with

 2   parents and students and so forth.

 3   This quarter we're excited, we are always

 4   looking for new and innovative ways of sharing

 5   information and we started to use 3D video to --

 6   to feature some of the centers. We actually had

 7   three media centers that we took 3D video of and

 8   we shared that through Parentlink with the help

 9   of the Office of Communications to the school

10   community.

11   Next slide?

12   Events. So in this last quarter we had eight

13   events. We actually focused in the last quarter

14   on celebrating projects that were getting started

15   and were kicking off. We had a great

16   groundbreaking celebration for Margate Elementary

17   School. We had the media there. Parents,

18   members of the community were there. It was

19   really a fantastic event. As well as I'm going

20   to -- we had four meetings at four different

21   municipalities to give them an update and we

22   attended three SAC meetings to provide updates on

23   work beginning at South Plantation High School,

24   Sawgrass Springs Middle School and Indian Trace

25   Elementary School.

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1   Next slide?

2   We continue to get great coverage in the

3   community papers. We have four feature stories

4   in OurCityMedia and Margate Talk. We've also

5   expanded two additional papers. It's not on the

6   screen, but thanks to the Chief we were able to

7   facilitate a story through Tamagram. It didn't

8   quite make it in the last quarter, but that story

9   did run, as well as Coconut Creek.

10   Media Centers. This Monday is actually

11   National Reading Month. I wanted to make sure I

12   got that right. So we took advantage of National

13   Reading Month to celebrate all of the work that's

14   being performed at the media centers celebrating

15   the hundred media centers that are in the

16   program. The campaign includes videos, social

17   media posts, some fun activities.

18   We have -- actually, this is a look-ahead,

19   we'll have three ribbon cuttings this quarter as

20   long as some stories that are going to run.

21   So that concludes our update for

22   Communications and we'll continue to celebrate as

23   we get more projects that cross the finish line.

24   MR. HILLBERG: You followed Mr. Ballou very

25   well.

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1   Are there any comments on either of the

2   presentations?

3   CHIEF DEMOPOULOS: I'll say a positive.

4   Thank you very much to you and your staff. You

5   worked with our PIO Department and the Tamagram

6   for the March/April edition will have a full page

7   of all of the three public schools that we have

8   and the construction progress, so, thank you.

9   MS. GARTH: It was actually -- I would be

10   remiss in not mentioning that it has really been

11   a team effort with the Office of Communications

12   as well.

13   CHIEF DEMOPOULOS: Thank you.

14   MR. RABINOWITZ: Okay. That brings us to the

15   School Board Workshop. I attended the one on

16   January 24th. Unfortunately, the school board

17   was more concerned about replacing the

18   superintendent, so I never did present. I did

19   leave the points behind for distribution and was

20   contacted later that I didn't need to reschedule.

21   So I guess that was sort of successful.

22   The next School Board Workshop is March 28th

23   and I need a victim/volunteer?

24   Okay. Well --

25   CHIEF DEMOPOULOS: I have a class that day

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1   which I might be able to rearrange, but I'd

2   prefer not to. If there's no other coverage --

3   MR. CORTES: Let me look at my calendar.

4   MR. HILLBERG: By default it's penciled in,

5   Mr. Cortes is tentative.

6   Okay. I will propose future meeting dates.

7   Any issue with June 12th?

8   CHIEF DEMOPOULOS: I think this is the most

9   I've talked in this meeting, in any meeting. I

10   do, I will not be in town June 12th.

11   MR. HILLBERG: Okay. I don't know what in

12   the past we've done with that, if somebody can't

13   make -- if one person can't make one meeting, do

14   we have a big enough board that we can take that?

15   Thank you, Omar.

16   MR. SHIM: Yeah. What we could do is we can

17   send around, try to get a consensus about when

18   everybody would be available to do the meeting.

19   And, of course, include Bob. We had a little

20   snafu, but we'll be sure to include him and try

21   to find the best date that everybody can at least

22   at this point confirm their availability.

23   MR. NAVE: May I ask a question?

24   MR. HILLBERG: Certainly.

25   MR. NAVE: We have always met on Monday

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1 evenings. And I remember when we did it, but I

2 don't remember why we did. But is there anything

3 that prohibits the group from meeting on a day

4 other than Monday?

5   MR. HILLBERG: I don't know. I would have to

6 look to staff to -- apparently not.

7   Mondays are brutal, so I'd be up for any day

8 other than Monday, actually. But that's just me.

9   Go ahead.

10   CHIEF DEMOPOULOS: Well, I'll pull the father

11 card. My son has baseball Tuesday and Thursday,

12 which does not obviously affect all of you, so

13 Monday, personally, is better for me, but I'll

14 try my best.

15   MR. HILLBERG: I'm not sure how to resolve

16 that at this moment, but that will be something

17 that we'll consider and make any adjustment as

18 needed.

19   So at this time we recess the business

20 meeting. Even with no quorum do we do that?

21   Okay. And we convene the public hearing.

22   Is there anyone here from the public?

23   There is no one here from the public to speak

24 tonight. So we can adjourn the public hearing

25 and we can reconvene the business meeting.

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1   And there is -- this is the discussion

2   portion. And I only had one item. It's that the

3   list of items that we get promised to be

4   furnished with is growing and there's not been a

5   whole lot of progress on supplying those items.

6   Now, if it's something that is sensitive or too

7   difficult to transmit to all of us by email I

8   understand that, you know, let's not do that.

9   And maybe in mine maybe it's too sensitive, like

10   the report on the roof failure at Rickards

11   school?

12   MS. LANGAN: You didn't get a copy of that?

13   MR. HILLBERG: No, I didn't get one. Any

14   members of the board? No? I mean, the

15   committee?

16   So none of that's on the list. And the

17   weigh-backs for the previous public statements,

18   I've never seen a response for, there's probably

19   been six now, and that's one of the bullets in

20   our mission statement is that we are to

21   facilitate communication with the public.

22   At the last meeting there was discussion that

23   the school board would be implementing a

24   procedure to track and follow up and resolve

25   these issues and I was looking forward to hearing

1   something about that. But the person that was

2   saying that last time is not here today at this

3   time, so I'll save that until next time.

4   The -- I'm going to have to guess that the

5   Stranahan cafeteria that was an issue, it's a

6   change order that was outside of the original

7   scope, because that was supposed to be just

8   approved prior to the last meeting. And I know

9   it's a very contentious issue with the community.

10   So I think they would be happy to know that

11   that's going to move forward. But that's outside

12   the original scope, so it will proceed

13   separately.

14   MS. LANGAN: Correct. That is not a SMART

15   project, but we did get approval of the

16   Construction Management at Risk contract. We

17   actually had groundbreaking that was super

18   successful, a lot of fun, and we have already

19   started construction.

20   MR. HILLBERG: Very good.

21   I should have approached this first, these

22   items that are listed that are -- that have been

23   stated that we would be furnished with, how is

24   the best way to handle that? Should I send the

25   list after the meeting? And usually I read the

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1   meeting minutes and kind of pick those items and

2   then I would -- I would think that if I sent it

3   two weeks prior to this meeting then that would

4   serve as a reminder and people could chase those

5   items down and we could cross these things off.

6   MR. SHIM: Well, the two items that I have is

7   the Rickards report and the public statements,

8   the response to the public statements.

9   With regard to the response to the public

10   statements, we'll go back and -- because we

11   haven't had that much public input except for a

12   couple of meetings, and we'll go back and capture

13   those and make sure that either, A, they have

14   been responded to through any other forum, like

15   other board meetings that have been brought up

16   and the same questions have been asked and there

17   has been a response and bring them back to the

18   committee as far as what, how those were

19   resolved.

20   MR. HILLBERG: Okay. Thank you.

21   MR. NAVE: Because I know that we raised a

22   couple of those issues in our reports to the

23   committee.

24   And can I ask one other questions? Are you

25   all getting copies of the court reporter

1   transcripts?

2   MR. HILLBERG: Yes.

3   MR. NAVE: Okay.

4   CHIEF DEMOPOULOS: I don't think I did. I

5   searched by Vicki and I didn't have any, but

6   unless someone else is sending them, I'm a little

7   behind on emails.

8   MR. HILLBERG: This one had two versions, two

9   text versions.

10   Okay. Is there any other point of

11   discussion?

12   MR. CORTES: I have something.

13   MR. HILLBERG: Yes, Mr. Cortes.

14   MR. CORTES: Good afternoon. Good night

15   everybody. Just a couple of comments I didn't

16   get to go through. There are a couple of things.

17   I would agree, I think the last meeting I was

18   kind of noticing there's a lot that we can talk

19   about but there's a lot of progress going on with

20   the projects, so, obviously, you can say

21   congratulations for that. On the -- on the -- if

22   you look at the charts and the numbers,

23   obviously, it's like a wave going in the air on

24   the construction and one thing that I would be

25   personally interested in knowing, and I know we

1 kind of touched it, but I don't think it's
2 something that you're going to have immediately
3 available is which ones of those jobs have
4 financial closure yet, because, you know, you get
5 it completed, but by the time you get financial
6 closures you see if there are any moneys left in
7 there, if any.

8   Then you guys talked a lot about the design
9 delays, that's good. I just wanted to mention
10 the change orders discussion, I know that every
11 meeting we kind of talk about it. The last
12 meeting I went to the board and kind of explained
13 it, and I think it's good, I think the idea that
14 you are adding moneys to the change orders, you
15 are right in the middle of construction, when you
16 look at the numbers right now, the majority of
17 jobs you have 200 and you're done with design and
18 stuff and you don't have a lot of those, you
19 might see some of those issues. When you have
20 200 jobs that are in construction you are going
21 to have change orders. And if you are at 1
22 percent, some of that is going to be over, it's
23 more for all of us on the committee to know that
24 there are change orders that are beneficial for
25 the owner. Not all change orders are negative.

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1   The real reason would be, why are we having a

2   change order and are there any change orders that

3   we should be concerned about that should be

4   things that we should pay attention to, because

5   it's an issue with the contractor or the

6   architect. But the idea of thinking that having

7   change orders is a bad measurement of management

8   of the projects is not true. This is why you do

9   projects and you have percentages allocated for

10   changes because they happen. And so I just

11   wanted -- I just want to mention that because

12   sometimes you look at metrics and they might be

13   an indicator of bad performance. It's the

14   opposite right now in terms of the change orders.

15   I don't know what the number would be, if you

16   take seven percent or eight percent and apply it,

17   we're really saving the other amount of money

18   that typically is paid by the industry.

19   So we have to keep those numbers low, we have

20   to be strong, continue to manage them and do the

21   stuff, but a change order is not a bad thing when

22   they happen. They happen because they are a part

23   of the business; yeah? So that's one comment.

24   And then I have a similar comment when it

25   comes to the metrics on holding people

1   accountable. I think it's important to get money

2   when people are making gross mistakes and when

3   they are worthy of getting money, but you have to

4   be careful that the metric doesn't become the

5   norm and the way to do business. Because

6   companies will build that into their risk

7   approach when they are doing business with you.

8   So their numbers are going to be higher because

9   they're scared that you're going to go after them

10   for money every time.

11   So it's a philosophy of business, right, not

12   only about the bond but how does the school -- if

13   you go after everybody for every little thing

14   just because you're trying to measure that you're

15   getting out, to get money because the bond needs

16   money, people are going to build it in their

17   numbers and you're still going to pay for it. So

18   it's just something to think about. I think

19   it's -- I would say it's the same situation with

20   change orders. Are there cases where -- and this

21   is a management decision by the board and the

22   people around the school board to make a decision

23   on what the philosophy should be on chasing

24   architects or companies to get money back.

25   Getting money back from people is good, but it

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1   has an implication on the overall business of how

2   the community looks at the school board, and I

3   just want to bring that up because it's

4   important; yeah? If you go after everybody for

5   every little thing you might run out of people

6   that want to do business with you or it's going

7   to be more expensive because it's more risky to

8   do work with you. So keep that in mind.

9   Again, if money -- if a contractor or an

10   architect or someone is doing nebulous stuff,

11   yeah, we have to go after them, that's why you

12   have contracts.

13   The absence of having cases where you are not

14   recovering money, I would be more concerned if

15   we're recovering that much money from companies,

16   that means we're not doing our job in managing

17   the companies in the way that they're delivering

18   the scope. That concerns me more than how much

19   we would get back. Because if it got to that

20   point, something is going on, not only with the

21   contractor but with the way we're managing the

22   contractor or the architect. Why did we allow

23   them to get to that level that now we're going to

24   go try to get money from them, yeah, which is a

25   very difficult task to do anyway. When you've

1 got 800-and-something, congratulations, because

2 that is hard to do, especially knowing the

3 history on how the bond program has worked.

4 There's a lot of parts that have to contribute to

5 get someone not to do their job correctly.

6   The one other question I had is on the -- or

7 comment, on the forecast for your risk approach,

8 the risk management numbers, is that based on a

9 low -- a low, high, medium? Are you tallying the

10 medium probability and how is that, how are you

11 doing that? Because I know you're adding, what,

12 29 million the last quarter, and a lot of that

13 apparently is out of the estimating and costs and

14 all of that.

15   As you're moving through construction, I

16 guess you, obviously -- I think you mentioned to

17 me before that that number is going to continue

18 to come down. Do you have a projection of that

19 cash flow and is this the highest number that you

20 think you'll have in the projections for the

21 risk?

22   MR. SHIM: Again, Omar Shim, Director of

23 Capital Budget.

24   What we have been doing is looking at the 70

25 percent risk and keeping our reserves at that

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1   level.

2   Now, coming towards the end of the program

3   we're looking -- and that's -- that's the risk in

4   the expenditures, what the program is projected

5   to spend based upon all those different things

6   you were mentioning, cash flows and things like

7   that, projected cash flows and things like that.

8   But as we're coming towards the end of the

9   program we also are looking at projections now

10   when we close out projects and funds that would

11   be returned back to the district and factoring in

12   how we put adequate reserves to budget the

13   projects as we come to the close of the program

14   towards the end of the program.

15   MR. CORTES: Okay. That's all I got. Thank

16   you so much.

17   MR. HILLBERG: Okay. I have a question about

18   the committee makeup. Would it be helpful to

19   have someone representing the building officials

20   on this committee since we're going into

21   construction issues and the inspections and

22   permitting has been kind of a -- an Achilles

23   heel, maybe, for a lot of projects, maybe the

24   insight from a building official is appropriate.

25   I don't need you to explain the whole thing, but

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 1   if there are no objections I will continue to try

 2   to find someone from the building officials group

 3   that would come and help us.

 4   Okay. Seeing no objections.

 5   CHIEF DEMOPOULOS: Is that not by resolution;

 6   you'd have to provide the makeup or who

 7   represents who by resolution? Maybe resolution

 8   is the wrong word.

 9   MR. HILLBERG: Go ahead, Omar.

10   MR. SHIM: If it is the will of the committee

11   I can -- and if you guys decide that that is what

12   you want to do after you look at really the

13   resolution, we can make a change if the committee

14   votes to do so, and say we would like to -- we

15   recommend that the committee does this, then we

16   can use that to make a change to the resolution.

17   MR. HILLBERG: Okay. Thank you, Chief

18   Demopoulos, for that.

19   For the School Board Workshop, I think the

20   points should be that, of course, there's a lot

21   of good progress going on with the schools ahead

22   of schedule. The Big 3 making progress. It

23   looks like we're pushing schools out of design

24   and into construction, so pretty soon the first

25   three categories of the process will be zeros,

1   except for the four beginners, I guess. That

2   includes the School Choice program. That's all I

3   have to -- is it within the Sunshine rules that I

4   email anything that I have to Victoria and then

5   she can disseminate it? Because once it's in a

6   public email system it's a public record.

7   Can you put your attorney hat on for just a

8   second?

9   MR. SHIM: I don't have an attorney hat, so I

10   would -- I would definitely have to check to see

11   if that would be okay.

12   MR. HILLBERG: Any other comments?

13   CHIEF DEMOPOULOS: Yes, two more.

14   So you mentioned a building official and I

15   would almost challenge whomever is responsible,

16   there's nine people that are supposed to be on

17   this, if my resolution is correct, 15-106, nine

18   people, and it's always the same ones of us. So

19   I don't know what vacant positions, and I know it

20   was on the agenda last meeting or a few meetings

21   ago to look at these positions and either remove

22   some or add some, like you're talking about for

23   the building official, so I would love to see

24   tasked to whomever at least one member of

25   whatever association, let's either work harder to

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1   fill them or remove them from here and add

2   others, such as a building official. To be

3   honest with you, I think I speak pretty decent

4   from the permit side, more for fire, but still

5   it's a plan review on the permit side, but I

6   would challenge that.

7   The second thing I'd love to see back on the

8   agenda, and I don't think we finished talking

9   about it, but just correct me if I'm wrong, the

10   Chief Auditor's Office, there was some audits

11   that we were supposedly going to be looking at or

12   some reporting and I think the report was sent

13   out but we never had a conversation. If that's

14   true, I'd love to see have that on the agenda for

15   a future meeting.

16   MR. CORTES: Just one comment. On this thing

17   with the four reviews or eight reviews or stuff,

18   on your schedule how much are you allocating

19   for -- because you can do four reviews, that

20   takes you six months or -- because nobody answers

21   or whatever or eight reviews in two months. For

22   the schedule, because I think when you look at

23   the delays here, well, the price of delays or

24   whatever, well, there is assumption on the

25   duration that the reviews are going to take. If

1   not, that means that your schedules need help in

2   terms of the assumptions; yeah?

3   MS. LANGAN: Yeah, so, contractually, the

4   first submission to the Building Department is 21

5   days and then thereafter, and then the architects

6   have the response, the required response in 21

7   and then after that it's 14 days per review and

8   per response. So that's the assumption that we

9   make because it's a contract requirement.

10   I would say that when we arrived there was

11   probably more challenges, that's why we put -- we

12   organized the group to have a design group and so

13   that group has been laser focused on making sure

14   they're communicating A&Es as well as the

15   Building Department to make sure people are

16   adhering to their time. Obviously, sometimes,

17   you know, things happen and there's a delay

18   there, but, obviously, it's gotten a lot better

19   and it seems to be -- it seems to be working very

20   well and there's just a few projects left. And

21   so we've actually changed staff so as they come

22   out of the design group we put them into the

23   construction group because we have so many in

24   construction, obviously.

25   MR. CORTES: So I guess the cycles have the

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1   implication of increasing the schedule but the

2   real metric is how long is it taking us to do it;

3   yeah? Whether you do it in three, two, one, six.

4   So is that something that could be measured so

5   that in the reports we could see how long is it

6   really taking and to kind of push a little bit?

7   That would make sense.

8   MS. LANGAN: Sure, we can look at that.

9   MR. CORTES: But I think we're trying to look

10   at the cycles and the schedules. Thank you.

11   MR. HILLBERG: Any other comments?

12   (No response.)

13   MR. HILLBERG: Hearing none, let's go ahead

14   and adjourn.

15   Thank you everyone. Good night.

16   (Meeting was concluded at 7:09 p.m.)

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1   REPORTER'S CERTIFICATE

2 STATE OF FLORIDA

3 COUNTY OF BROWARD

4   I, Timothy R. Bass, Court Reporter and Notary

5 Public in and for the State of Florida at Large,

6 hereby certify that I was authorized to and did

7 stenographically report the foregoing proceedings, and

8 that the transcript is a true and complete record of

9 my stenographic notes thereof.

10   I FURTHER CERTIFY that I am neither an

11 attorney, nor counsel for the parties to this cause,

12 nor a relative or employee of any attorney or party

13 connected with this litigation, nor am I financially

14 interested in the outcome of this action.

15   Dated this 24th day of March, 2023, Fort

16 Lauderdale, Broward County, Florida.

17

18

19   TIMOTHY R. BASS
       Court Reporter

20

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