

21st Century Schools Bond Advisory Committee



Inaugural Meeting
March 18, 2013



21st Century Schools Bond Advisory Committee

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Agenda

Welcome

Mr. Alberto M. Carvalho
Superintendent of Schools

Introductions

Mr. Alberto M. Carvalho

Status of General Obligation Bond Issuance

Ms. Silvia R. Rojas
Treasurer

Overview of Bond Program

Mr. Jaime G. Torrens
Chief Facilities Officer

Review of Committee Structure and Rules
(Committee's Mission, Sunshine Law & Public Records,
and Conflict of Interest)

Mr. Walter J. Harvey
School Board Attorney

Discussion

Group

Election of Officers

Mr. Walter J. Harvey

Adjournment

Welcome and Introductions

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Alberto M. Carvalho
Superintendent of Schools

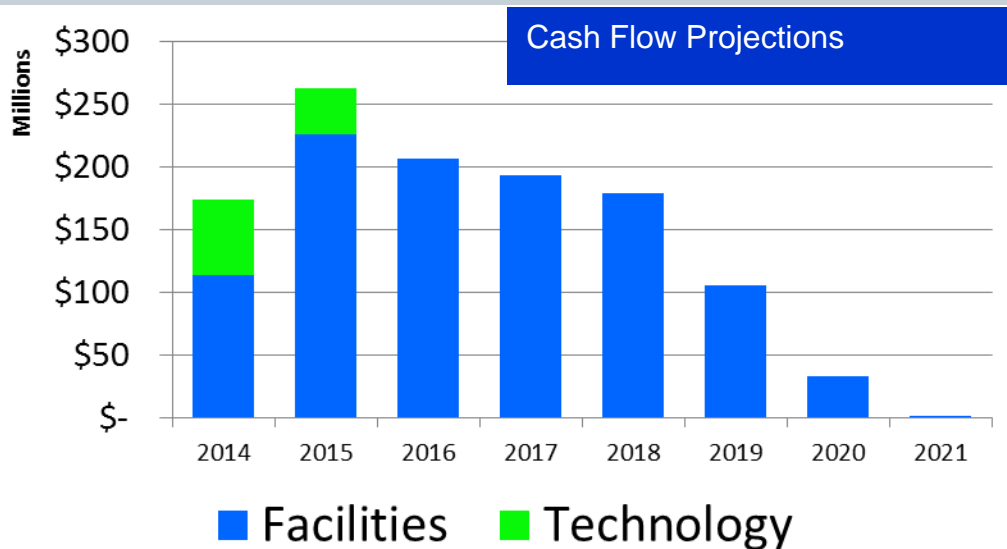
Status of General Obligation Bond Issuance

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Silvia R. Rojas
Treasurer

GO Bond Financing Plans

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Approved Project List Includes:

- Remodeling/Renovations
- Replacements (Full/Partial)
- New Capacity
- Instructional Technology Infrastructure

- Cash Flow Needs (F.S. 1013.76)
- Cost Benefit Analysis
 - Balance Interest Costs, Impact on Levy, & Cash Flow Needs
- Bond Validation, Certificate of No Appeal March 2013
- Treasury Advisory Committee April 2013 Review Financing Plan
- Initial GO Series Board Authorization May 2013

Overview of Bond Program

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Jaime G. Torrens
Chief Facilities Officer

Making the Case for Facilities' Funding

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- The District is responsible for approximately 45 million square feet of space in over 400 school campuses and ancillary facilities, combined
- Though significant strides were made over recent years to build new capacity and replace obsolete facilities, on the whole, the majority of existing buildings are over 40 years old
- The District's focus on meeting the 2002 class size mandate required that funding priority be given to capacity amplification. Consequently, physical plant renewal has remained unaddressed
- The clear need for a reliable long-term funding solution was deemed critical to establishing parity among schools, irrespective of zip code, and to assuring equitable access by all students to 21st century technology and a quality educational environment

Overarching GOB Program Goals

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- Touch every school through renovations and/or building replacements, technology enhancements and removal of portable classrooms
- Implement prototypical classroom renovation models, standardize type of equipment used to create efficiencies in design costs and reduce maintenance costs over time
- Imbed green building standards in renovation and replacement projects (LEED® for Schools)
- Right-size building replacements, including opportunities for consolidation or grade reconfiguration, e.g. consider viability of combining under-enrolled elementary and middle schools sharing the same campus into a single, new K-8 facility
- Pursue cost efficiencies in schools on shared campuses or clustered geographically, such as shared chiller plants and satellite kitchens
- Simplify District design criteria, specifications and facilities lists to reflect new paradigms in education which favor flexible, technology-friendly spaces

GOB Program Buckets

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- The November 6, 2012 voter-approved GOB authorizes the issuance of \$1.2B in bonds to renovate, replace and enhance school facilities across the District
- Of that amount, and based on preliminary scopes:
 - Renovations are estimated at approximately \$700M
 - Building replacements are estimated at approximately \$350M (pending right-sizing or reconfiguration as projects are individually scoped)
 - Technology enhancements are estimated at approximately \$100M
 - The balance will be allocated to new capacity, for implementation in the latter years of the GOB rollout, unless external funding opportunities arise that warrant considering a more expedited schedule

Procurement Strategies and Timing

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- Projects are almost equally split between those under \$2M and over \$2M in estimated construction value (approximately 144 projects and 166 projects, respectively)
- Recently-built schools will receive technology refreshers in the later years
- Projects with estimated construction values between \$1M and \$2M can begin in Year 1 (FY 12-13) by expanding procurement capacity for design professional and construction management (CM) at-risk firms:
 - Eligible A/EPC firms being expanded from 6 to approximately 18
 - Eligible CM firms being expanded from 10 to approximately 16

Procurement Strategies and Timing

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- Projects under \$1M in estimated construction value are especially suited for smaller firms
 - Reserved for companies designated as eligible Small Business Enterprise (SBE) firms
 - Scheduled to start in Year 2 (FY 13-14)
- The pool of eligible SBE firms will be established by the Office of Economic Opportunity, in accordance with Board policy and SBE procedures
- Solicitation for Job Order Contractors (JOC)

Procurement Strategies and Timing

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- Disparity study is expected to be completed this summer
- New policies and procedures are projected for completion by calendar year end 2013
- Applicable M/WBE participation goals will be established for larger projects
- Once new M/WBE procedures are in place, projects with estimated construction values of over \$2M will be advertised and individually commissioned by the Board.
- Larger projects are expected to start in year 3 (FY 14-15) and be issued in 'waves' to avoid flooding the market and inflating construction costs, unless opportunities arise that are favorable to the District from a cost-benefit perspective

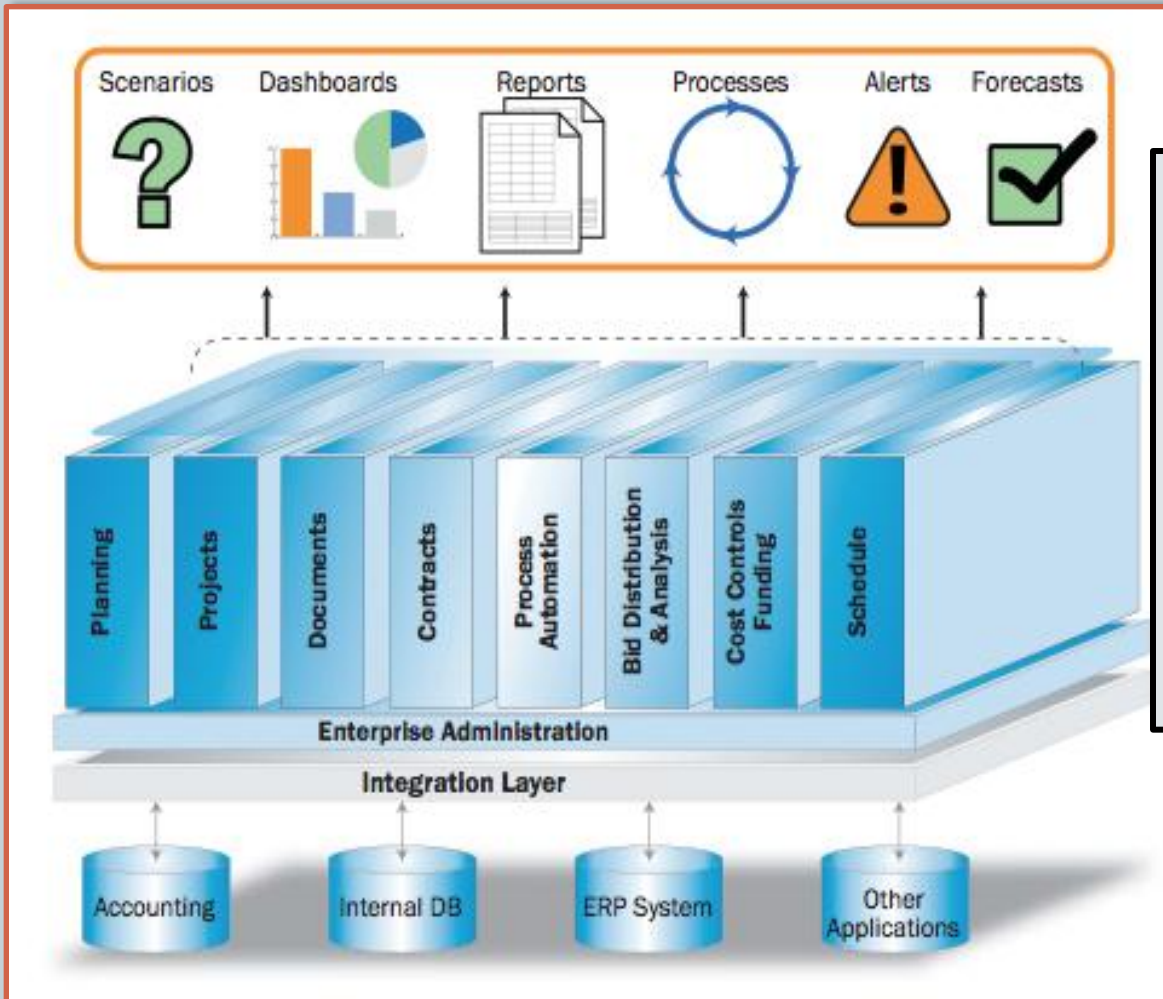
Procurement Strategies and Timing

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- Implementation of the GOB program will be facilitated through outside, private sector resources, specifically Program Management Services firms
- Proposals have been received and presentations by short-listed firms will begin on April 3rd
- Recommendations will be presented to the Board in May
- Program Managers selected through this process will supplement and work side by side with District personnel
- Resources will be procured as needed, to reflect the various stages of the GOB program rollout

Reporting and Accountability Tools

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Project Reporting System

- Web-based for easy access
- Able to manage flow of technical information and document exchange from design through construction
- Accessible across mobile devices (smart phones, tablets, etc.)
- Compatible across platforms and with different data warehouses

Sample Dashboards Executive and Project Rollups

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Home Dashboards Projects Forms Documents Calendar Contacts Cost Schedule Reports Logged in user: rquig

Dashboards > Executive Program Summary

View Dashboard (Go to Dashboard List) Last updated: 04.06.2009 06:02

Executive Program Summary Edit Print Refresh

Program Information

Project Stage

(active projects)

Issue Logs

All Outstanding Issues - Entire Program

Current Program Budgets

Project Name: CHOP Ambulatory Care Center 2
Sum of Current Budget: 743,806,126.00

Total Invoices Paid by Project

Project Name	Sum of Actuals Paid
*Boggy Creek	548,029.00
6505 SW 41 PL	14,157.00
CNC Machine Tools Installation	1,306,563.00
Eldorado PKWY, FM 423 To Dallas N Tollway	35,580.00
Hickory Creek Road To West FRTG Road	64,330.00
Hinesville Branch - 125	1,793,455.00
North of PGBT To Denton/Dallas	28,695.00
Office and Admin Remodel	54,012.00
Office Area Update	36,371.00
US 380 (Custer Rd) To Stonebridge DR	64,330.00
Workshop 2nd Bay Overhaul	1,841,517.00

Program Cashflow - 2009

Cash Flow

Project Type

Program Change

Reason Code: Contingency, Design Change, Error / Omission, Field Condition, Owner Directive

Actual Cost by Vendor

Company Name: 4 Point Interiors, A1 Quality Blinds, Abbey Carpet of Va, Accurate Fire Protection, ACM Plumbing, Acme Industries, Aero Survey Corp, AFC Industries INC, Anthony's Pile Driving Company, Argo Architecture, A-Tech, Aulse Construction, Burbank Real Estate, Carver Engineering, FE Networks, HLK Architects, Lawson Construction, Lux Contracting, Weekes Construction Corporation

473,817.00

Schedule Durations

DESCRIPTION / TEAM	PROJECT GAUGE	SCOPE																																																																																																																																															
Project Type: Major Project Project No.: 111667 Project Location: MCP - West Phase: Construction Sq. Ft.: 22,500.00 PM: Rick Quigley Designer: Richard Creamer Contractor: Dan Calla Client Contact: Jon Arcey	STATUS Safety ■ Scope ■ Schedule ■ Budget ■	Construct a 140,000 GSF/80,270, NASF facility for the Center for Advanced Research in Biotechnology (CARB) at Steady Grove to accommodate continued growth in advanced biotechnology research. The building will host the Headquarters for the University of Maryland Biotechnology Institute as well as research labs, classrooms, offices, a computer database network and library, and conference space.																																																																																																																																															
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Wrap-Up: Summary of Completed Tasks

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- ✓ Office of Economic Opportunity (OEO) created and OEO Director appointed on February 13, 2013
- ✓ Small Business Enterprise (SBE) Board policy adopted
- ✓ Inaugural meeting of SBE Goal Setting Committee conducted March 14, 2013
- ✓ Negotiations with additional A/EPC and CM at-Risk firms completed for commissioning at April Board meeting:
 - ✓ up to 12 additional A/EPCs from the current 6
 - ✓ up to 6 additional CM at-Risk firms from the current 10
- ✓ Received and reviewed proposals from Program Management Services firms (PMs)

Wrap-Up: Next Steps

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- Adopt School Board Policy regarding 21st Century Schools Bond Advisory Committee
- Issue work orders to A/EPC and CMs to start approx. 66 projects with construction value between \$1M-\$2M beginning in April
- Commission one or more PMs at May Board meeting
- Complete Disparity Study by summer of 2013
- Establish SBE procedures and pool of eligible businesses by fall of 2013
- By Year-end 2013:
 - Advertise for SBE Job Order Contractors (JOC)
 - Advertise for SBE CM at-Risk firms
 - Advertise for SBE design professionals
 - Launch projects under \$1M

21st Century Schools Bond Advisory Committee

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Committee's Mission

Sunshine Law & Public Records

Conflict of Interest

Walter J. Harvey
School Board Attorney

Responsibilities of the Committee

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- School Board Item A-2 Adopted October 10, 2012:
 - Superintendent's October 8, 2012 Memorandum;
 - Submission of Certification of No Conflict
- Review and Monitor performance of Bond program;
- Advise Superintendent & Board of Progress of the Program;
- Assist with Community Outreach Efforts;
- Assist with Annual Planning of Bond Program Activities;
- Issue Recommendations on Usage of Surplus Funds;
- Submission of Annual Report to the Board

Proceedings of the Committee

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- Elect Chair & Vice Chair (2 year terms);
- Meet a minimum of four (4) times per year;
- Requires a majority of voting members for a quorum;
- Conduct meetings in accordance with Robert's Rules of Order;
- Members must be free of any direct or indirect Conflicts of Interest*;
- Members may not be absent from more than 3 meetings or no more than half of the meetings held annually

Committee Members are Subject to:

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- **Sunshine Law**
 - Florida Statutes, 286.0011

- **Public Records Law**
 - Florida Statutes, Chapter 119

- **State and School Board Conflict of Interest Rules**
 - Florida Statutes, Chapter 112
 - School Board Policy 9140

SUNSHINE LAW

The Sunshine Law

Chapter 286, Florida Statutes

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Basic Principles

- All meetings between two or more members where official action is taken must be publicly noticed and open to the public.
- “Official action” includes any vote, resolution, rule, formal action or discussion. Organizational meetings, briefing sessions, workshops, informal meetings and all other committee meetings, no matter what they are called, are subject to the Sunshine Law.
- Notice to the public must be reasonable and published, distributed or prominently displayed.

The Sunshine Law

Chapter 286, Florida Statutes

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- Votes must be recorded or counted for each member present at a meeting. Voting can be by roll call, voice vote (“ayes” or “nays”), and written ballot as long as the ballots are made available to the public. Secret votes are not permitted. Members can abstain from voting only because of declared legal conflict of interest.
- Written minutes of the meeting must be taken even if the meeting is recorded. Both the written minutes and the audio or video tape (if recorded) must be made available for public inspection.

The Sunshine Law

Chapter 286, Florida Statutes

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- Meetings must be held in a location and facility that is reasonably accessible to the public and does not discriminate based on gender, gender identity, age, race, color, national or ethnic origin, religion, political beliefs, marital status, sexual orientation, social and family background, linguistic preference, disability or economic status.
- No two or more members may meet to discuss any matter on which foreseeable action will be taken by the committee without meeting the requirements of the Sunshine Law.
- Even at publicly noticed community meetings and regular committee meetings, members may not have private discussions about any matter that may come before the committee.

The Sunshine Law

Chapter 286, Florida Statutes

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- The Sunshine Law applies not just to in-person meetings but to telephone conversations, e-mail and social media communications. Members may not use staff to relay communications to other members about matters that may come before the committee.
- Members should refrain from having any conversations about committee actions or issues that may come before the committee with any other member outside regularly scheduled meetings.

Potential Criminal Sanctions for Violation:

The consequences of a Sunshine Law violation may include criminal penalties against the violators and may cause the committee action to be set aside.

PUBLIC RECORDS LAW

Public Records Law

Chapter 119, Florida Statutes

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A public record is:

“All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance in a connection with the transaction of official business by any agency.”

s.119.011 (1), F.S. (emphasis added)

Applies to electronic communications (e.g., e-mails; online communications).

Public Records Law

Chapter 119, Florida Statutes

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- Any documents produced by or for the committee and any documents received by the committee or individual committee members are open to public inspection under the Public Records Law. Nonfinal drafts of committee business, if circulated for review, comment or information, are public records.
- Except for your Social Security Number, any information you provide to District staff, such as your work or personal e-mail address, becomes public record subject to disclosure upon request.
- All electronic communications, including e-mail, text and social media messages, are public records which must be available for public inspection and retained if used to perpetuate, communicate or formalize knowledge in connection with the business of the board.
- Handwritten notes by individual members regarding official business of the committee and used at a meeting in discussing the member's position on an issue could be deemed public records.

Public Records Law

Chapter 119, Florida Statutes

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- However, handwritten notes are probably not public records if they are intended only to jog the committee member's memory and/or are precursors to a future document.
- Student records containing a student's personally identifiable information, e.g., name, address, social security number, student I.D. number, etc., are strictly confidential and are not public records.

Potential Sanctions for Violation:

Violators of the Public Records Law may be subject to civil penalties. Knowing or willful violations may lead to suspension and removal or impeachment and, in addition, a misdemeanor conviction of the first degree.

ETHICS AND CONFLICT OF INTEREST

Code of Ethics & Conflict of Interest Law

Chapter 112; School Board Policy 9140

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Advisory Committee members are public officers and are prohibited from:

- soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor or service, that is based on an understanding that their vote, official action, or judgment would be influenced by such gift;
- accepting compensation, knowing or having reason to know that it was given to influence a vote or action;
- using an official position to secure a special privilege, benefit or exemption for themselves or others;
- using information gained that is not available to the general public for personal gain or benefit of another.

Code of Ethics & Conflict of Interest Law

Chapter 112; School Board Policy 9140

Higher Standard

Appointees shall not have any conflict of interest, direct or indirect, in a contract with School Board or any financial interest in any of the projects to be funded under the Bond Program. If such a conflict should arise after a member is appointed, he/she is required to self-disclose such conflict or financial interest and immediately resign from the Committee.

Prior to serving on the Committee, all members must submit an executed certification indicating that they do not have an existing conflict of interest or any financial interest in any of the projects funded under the Bond Program.

Code of Ethics & Conflict of Interest Law

Chapter 112; School Board Policy 9140

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Gifts

Members are prohibited from soliciting or accepting gifts intended to influence a committee decision.

Representing others before the School Board or the Committee

Members are restricted from representing others before the School Board or the advisory committee while on the committee.

Advisory Committee Criteria for School Board Appointees – Policy 9140

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- **Unless waived by 2/3 vote of School Board:**
 - **Must be permanent Miami-Dade County resident**
 - **Shall not have filed a lawsuit or policy challenge against School Board**
 - **Shall not serve on committee that regulates or monitors appointee's livelihood**

- **If member qualifies as a candidate for elective office, he/she must resign**

- **Multiple appointments by same Board member prohibited**

- **Lobbyists prohibited**

Code of Ethics & Conflict of Interest Law

Chapter 112; School Board Policy 9140

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If you have a concern or are uncertain about a potential conflict of interest, you may seek an opinion from the School Board Attorney or the Florida Commission on Ethics. The Commission can be reached at the following address:

Florida Commission on Ethics
3600 Maclay Blvd., South, Suite 201
Tallahassee, FL 32312
Phone: 850-488-7864
Fax: 850-488-3077
www.ethics.state.fl.us

Discussion

Election of Officers

Adjournment