



# 21ST CENTURY SCHOOLS BOND ADVISORY COMMITTEE

**DECEMBER 9, 2014 MEETING**



# GOB UPDATE YEARS 1, 2 AND ACCELERATED PROJECTS



# GOB PROJECT UPDATE

## **YEAR I (68 PROJECTS)**

**60**

IN CONSTRUCTION  
(9 PROJECTS HAVE ACHIEVED SUBSTANTIAL COMPLETION)

**8**

IN BIDDING, PLAN REVIEW/PERMITTING OR DESIGN

### **NOTE:**

GMP FOR MIAMI NORLAND SENIOR HIGH SCHOOL REPLACEMENT PROJECT  
WAS AWARDED BY THE BOARD AT THE NOVEMBER 19, 2014 MEETING, AS  
SCHEDULED





# GOB PROJECT UPDATE

## YEAR 2 (79 PROJECTS)

54

**UNDER \$1M** - ASSIGNED TO NEW SBE/MBE ARCHITECTS AND CONTRACTORS (IN DESIGN OR PRE-CONSTRUCTION)

9

**WITH VALUES BETWEEN \$1M AND \$2M** - ASSIGNED TO A/EPC AND CONTRACTORS (IN DESIGN OR PRE-CONSTRUCTION)

16

**OVER \$2M:**

- 7 PROJECTS - COMMISSIONED ARCHITECTS AND CONSTRUCTION MANAGEMENT AT RISK (CMR) CONTRACTORS AND CURRENTLY IN DESIGN
- 2 PROJECTS (REPLACEMENT OF BUNCHE PARK AND FREDERICK DOUGLASS ELEMENTARY SCHOOLS) - COMMISSIONED ARCHITECTS AND IN DESIGN. THESE PROJECTS WILL BE HARD BID.
- 2 PROJECTS - COMMISSIONED ARCHITECTS WITH COMMISSIONING OF CMR CONTRACTORS ANTICIPATED FOR THE JANUARY 2015 MEETING. PROJECTS ARE IN DESIGN.
- 5 PROJECTS - COMMISSIONING OF ARCHITECTS PROJECTED FOR THE DECEMBER 10, 2014 OR JANUARY 2015 BOARD MEETINGS FOLLOWED BY COMMISSIONING OF CMR CONTRACTORS

# YEAR 2 - SBE/MBE & M/WBE PARTICIPATION

YEAR 2 PROJECTS - SBE AND M/WBE PARTICIPATION					
Project	Total Project Budget	A/E		Contractor	
<b>Miami Southridge Senior</b> (renovations)	\$ 6,605,239	Rodriguez Architects, Inc.	(M/WBE and SBE/MBE)	D. Stephenson Const. Inc.	(M/WBE)
		<b>Subconsultants/Goals</b>		<b>Subconsultants/Goals</b>	
		Structural Engineer	M/WBE/MBE (8%)	Quality Control/Outreach	M/WBE/SBE (2.5%)
		Civil Engineer	M/WBE/MBE (2%)	Est./Sched.	M/WBE/SBE (2.5%)
				Design Review	M/WBE/SBE (2.5%)
				MEP Design Review	M/WBE/SBE (2.5%)
		<b>Total</b>	<b>10%</b>	<b>Total</b>	<b>10%</b>
Project	Total Project Budget	A/E		Contractor	
<b>Miami Sunset Senior</b> (renovations)	\$ 5,857,471	Silva Architects, LLC	(M/WBE and SBE/MBE)	Stobs Bros. Const. Co.	
		<b>Subconsultants/Goals</b>		<b>Subconsultants/Goals</b>	
		Electrical Engineer	M/WBE/MBE (20%)	Demolition	M/WBE/SBE (2.5%)
		Mechanical Engineer	M/WBE/MBE (20%)	Plumbing	M/WBE/SBE (2.5%)
				HVAC	M/WBE/SBE (2.5%)
				Electric	M/WBE/SBE (2.5%)
		<b>Total</b>	<b>40%</b>	<b>Total</b>	<b>10%</b>
Project	Total Project Budget	A/E		Contractor	
<b>Oak Grove Elementary</b> (renovations)	\$ 4,942,190	M.C. Harry & Assoc., Inc.		D. Stephenson Const. Inc.	(M/WBE)
		<b>Subconsultants/Goals</b>		<b>Subconsultants/Goals</b>	
		Electrical Engineer	M/WBE/MBE (12%)	Quality Control/Outreach	M/WBE/SBE (2.5%)
		Mechanical Engineer	M/WBE/MBE (8%)	Est./Sched.	M/WBE/SBE (2.5%)
				Design Review	M/WBE/SBE (2.5%)
				MEP Design Review	M/WBE/SBE (2.5%)
		<b>Total</b>	<b>20%</b>	<b>Total</b>	<b>10%</b>
Project	Total Project Budget	A/E		Contractor	
<b>Frederick Douglass Elementary</b> (replacement)	\$ 7,932,698	Zyscovich, Inc.			
<b>Bunche Park Elementary</b> (replacement)	\$ 8,221,079				
		<b>Subconsultants/Goals</b>		<b>Subconsultants/Goals</b>	
		Electrical Engineer	M/WBE/SBE (11%)	<b>TBD - Hard Bid</b>	
		Mechanical Engineer	M/WBE/SBE (11%)		
		Structural Engineer	M/WBE		
		Civil Engineer	M/WBE/SBE (7%)		
		Landscape Architect	M/WBE/SBE (3%)		
		<b>Total</b>	<b>32%</b>		





# YEAR 2 - SBE/MBE & M/WBE PARTICIPATION

YEAR 2 PROJECTS - SBE AND M/WBE PARTICIPATION					
Project	Total Project Budget	A/E		Contractor	
<b>Miami Northwestern Senior</b> (renovations)	\$ 7,855,341	Wolfberg Alvarez & Part.	M/WBE)	T&G Constructors	(M/WBE)
		Subconsultants/Goals		Subconsultants/Goals	
		Structural Engineer	M/WBE/SBE (5%)	Demolition	M/WBE/SBE (5.3%)
		Civil Engineer	M/WBE/SBE (5%)	Plumbing	M/WBE/SBE (5.3%)
				HVAC	M/WBE/SBE (5.3%)
				Electric	M/WBE/SBE (5.3%)
		<b>Total</b>	<b>10%</b>	<b>Total</b>	<b>21.2%</b>
Project	Total Project Budget	A/E		Contractor	
<b>Kinloch Park Middle</b> (renovations)	\$ 7,700,415	Laura M. Perez & Assoc.	(M/WBE)	The Weitz Co.	
		Subconsultants/Goals		Subconsultants/Goals	
		Electrical Engineer	M/WBE/SBE (12.5%)	Trade Cont.	
		Mechanical Engineer	M/WBE/SBE (12.5%)	Outreach/Scoping/Sched.	M/WBE/SBE (10%)
		Structural Engineer	M/WBE/SBE (5%)	SREF/Code Compl. Review	M/WBE/SBE (5%)
		Civil Engineer	M/WBE/SBE (5%)		
		<b>Total</b>	<b>35%</b>	<b>Total</b>	<b>15%</b>
Project	Total Project Budget	A/E		Contractor	
<b>Melrose Elementary</b> (renovations)	\$ 7,014,981	KVH Architects, PA	(M/WBE and SBE/MBE)	D. Stephenson Const. Inc.	(M/WBE)
		Subconsultants/Goals		Subconsultants/Goals	
		Structural Engineer	M/WBE/SBE (5%)	Quality Control/Outreach	M/WBE/SBE (2.5%)
		Civil Engineer	M/WBE/SBE (5%)	Est./Sched.	M/WBE/SBE (2.5%)
				Design Review	M/WBE/SBE (2.5%)
				MEP Design Review	M/WBE/SBE (2.5%)
		<b>Total</b>	<b>10%</b>	<b>Total</b>	<b>10%</b>
Project	Total Project Budget	A/E		Contractor	
<b>Hialeah Senior</b> (renovations)	\$ 14,648,275	Wolfberg Alvarez & Part.	M/WBE)	Not Yet Commissioned	
		Subconsultants/Goals		Subconsultants/Goals	
		Structural Engineer	M/WBE/SBE (15%)		
		Civil Engineer	M/WBE/SBE (5%)		
		Landscape Architect	M/WBE/SBE (5%)		
		<b>Total</b>	<b>25%</b>		



# YEAR 2 - SBE/MBE & M/WBE PARTICIPATION

YEAR 2 PROJECTS - SBE AND M/WBE PARTICIPATION				
Project	Total Project Budget	A/E		Contractor
Cutler Bay Acad. For Adv. Studies (replacement/renovations)	\$ 12,631,148	Laura M. Perez & Assoc.	(M/WBE)	Not Yet Commissioned
		Subconsultants/Goals		Subconsultants/Goals
		Electrical Engineer	M/WBE/SBE (9%)	
		Mechanical Engineer	M/WBE/SBE (9%)	
		Structural Engineer	M/WBE/SBE (2%)	
		Civil Engineer	M/WBE/SBE (5%)	
		<b>Total</b>	<b>25%</b>	

- ▶ As can be seen from the summaries, the District has been extremely successful in securing the participation of District certified Small/Micro Business Enterprises and M/WBE firms
- ▶ Levels of participation as proffered during negotiations will be closely monitored for compliance by the OEO to ensure these efforts are meaningful and sustained
- ▶ Going forward and following the passage of a M/WBE policy, these levels are expected to be maintained or surpassed



# GOB PROJECT UPDATE

## YEAR 3 (55 PROJECTS)

- 19**
- 7 MBE/SBE (UNDER \$1M)
  - 12 A/EPC (BETWEEN \$1M-\$2M) (REV.)

**36** Over \$2M (TO BE PACKAGED IN GROUPINGS) (REV.)

### ADDITIONAL PROJECTS IN PROGRESS

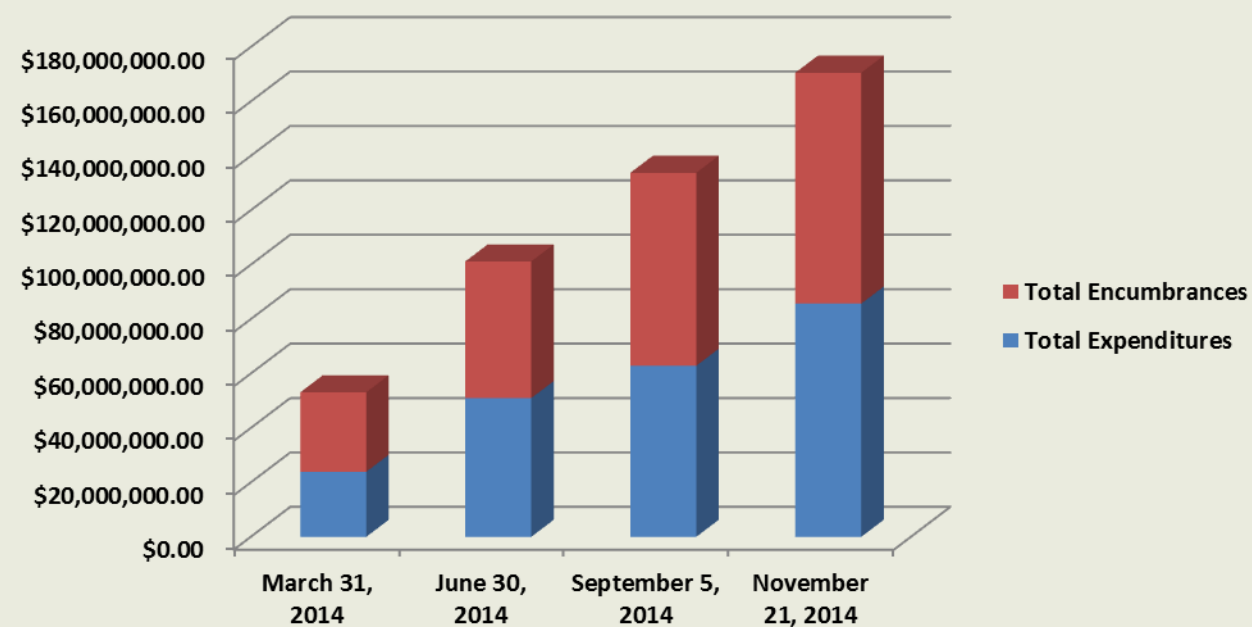
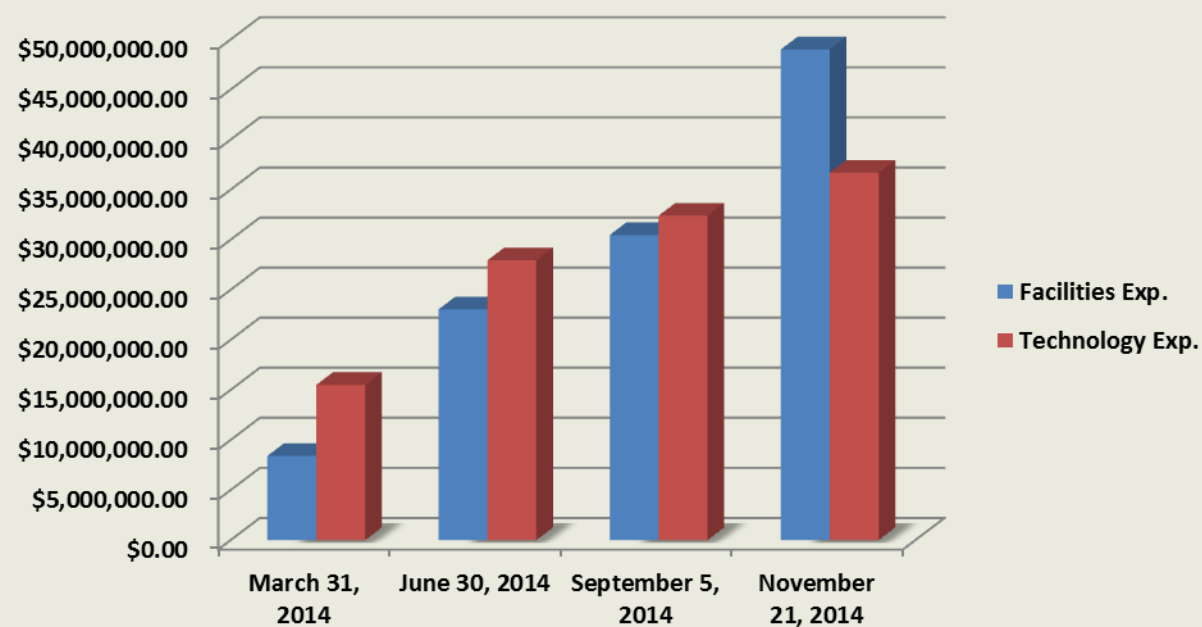
**116** Smaller accelerated projects (playgrounds, portable removal, roofing, air conditioning): 86 projects completed or in construction as of 11/14/14

Scope	#	Completed	Construction
Playgrounds	44	7	17
Playground Surfaces	10	5	4
Portable Demo	14	12	4
HVAC	33	23	5
Other	11	4	1
Roofing	4	3	1
<b>Total</b>	<b>116</b>	<b>54</b>	<b>32</b>



# GOB PROJECT EXPENDITURES

GOB PROGRAM – EXPENDITURES AND ENCUMBRANCES				
Transaction Category	3/31/14	6/30/14	9/5/2014	11/21/14
Facilities Exp.	\$ 8,403,985.97	\$ 23,040,606.87	\$ 30,465,994.52	\$49,003,622.31
Technology Exp.	\$ 15,496,502.33	\$ 27,937,723.51	\$ 32,399,985.68	\$36,694,502.67
<b>Total Expenditures</b>	<b>\$ 23,900,488.30</b>	<b>\$ 50,978,330.38</b>	<b>\$ 62,865,980.20</b>	<b>\$85,698,124.98</b>
<b>Total Encumbrances</b>	<b>\$ 29,201,995.30</b>	<b>\$ 50,222,545.94</b>	<b>\$ 70,888,460.02</b>	<b>\$84,842,873.41</b>





# YEAR 3 PROJECTS: PROPOSED DELIVERY METHOD AND GROUPINGS



## YEAR 3 PROJECTS

- ▶ There are 36 projects with construction values over \$2M that will require separate solicitations
- ▶ A delivery method matrix was completed for all 36 projects as well as for two Year 2 projects (American Senior and DASH) based on the protocol previously presented and endorsed by the Committee at the June 11, 2013 meeting
- ▶ Based on that protocol, Construction Management-at-Risk is recommended for the vast majority of Year 3 projects

## YEAR 3 PROJECTS

- ▶ To both streamline the process and continue to offer opportunities to as many qualified firms as possible, projects were categorized into seven groups based on value and level of complexity or specific scope characteristics
- ▶ In collaboration with OEO staff, two of the seven groups are recommended to be reserved for sheltered market SBE firms:
  - ▶ One group is made up of 5 projects with values ranging from approximately \$3.1M to \$3.5M
  - ▶ The second group is made up of 3 projects with values ranging from approximately \$4.4M to \$5.5M



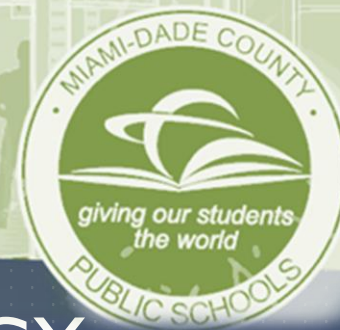


# PROJECT DELIVERY MATRIX AND GROUPING STRATEGY

YEAR 3 PROJECTS/AMERICAN SHS/DASH

School Name	TOTAL PROJECT BUDGET	Type of Project: New(1); R(2);RR(3)	Clean/Clear Site: Yes(1);N(2)	Phasing: Y(2);N(1)	Unknown Conditions: Y(2);N(1)	Competitive Market: Y(1);N(2)	Prototype Used: Y(1);N(2)	Total Points (Low Score=Hard Bid; High Score CM at Risk)	Delivery Method	Groupings
Henry H. Filer Elementary School	\$2,854,174	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 1
Norland Elementary School	\$2,940,256	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 1
Jesse J. McCrary Elementary School	\$3,010,065	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 1
Charles R. Hadley Elementary School	\$3,023,786	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 1
Kenwood K-8 Center	\$3,312,039	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 2
Scott Lake Elementary School	\$3,454,076	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 2
Springview Elementary School	\$4,005,371	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 2
Toussaint L'Ouverture Elementary School	\$3,953,859	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 2
Parkview Elementary School	\$3,968,654	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 2
Arcola Lake Elementary School	\$4,083,450	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 2
Lakeview Elementary School	\$4,111,464	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 2
Gratigny Elementary School	\$4,722,449	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 3
Hialeah-Miami Lakes Senior High	\$5,554,355	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 3
Miami Springs Middle School	\$5,355,144	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 3
Air Base Elementary School	\$5,512,261	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 3
New K-8 - NE Miami-Dade Area (Phase 1 )	\$6,100,000	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 3
Ethel Koger Beckham Elementary School	\$6,430,161	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 3
Ben Sheppard Elementary School	\$6,588,231	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 3
Meadowlane Elementary School	\$6,636,568	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 3
Biscayne Gardens Elementary School	\$5,471,749	3	1	2	2	1.5	2	11.5	CMR	A/E Solicitation-Group 3(Castaldi)





# PROJECT DELIVERY MATRIX AND GROUPING STRATEGY

YEAR 3 PROJECTS/AMERICAN SHS/DASH

School Name	TOTAL PROJECT BUDGET	Type of Project: New(1); R(2);RR(3)	Clean/Clear Site: Yes(1);N(2)	Phasing: Y(2);N(1)	Unknown Conditions: Y(2);N(1)	Competitive Market: Y(1);N(2)	Prototype Used: Y(1);N(2)	Total Points (Low Score=Hard Bid; High Score CM at Risk)	Delivery Method	Groupings
New K-8 - West of I-75 and North of NW 138 Street (@ MacArthur)-ph 1	\$8,041,500	2	1.5	1	2	1.5	2	10.0	CMR	A/E Solicitation-Group 4
Benjamin Franklin K-8 Center	\$7,072,177	3	1.5	2	2	1.5	2	12	CMR	A/E Solicitation-Group 4 (Castaldi)
Dr. Henry W. Mack/West Little River K-8 Center	\$10,134,174	3	2	2	2	1.5	2	12.5	CMR	A/E Solicitation-Group 4 (Castaldi)
Coral Gables Senior High	\$10,403,950	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 5
Southwest Miami Senior High	\$14,375,271	2	1	2	2	1.5	2	10.5	CMR	A/E Solicitation-Group 5
M.A. Milam K-8 Center	\$9,362,894	3	1.5	2	2	1.5	2	12	CMR	A/E Solicitation-Group 5 (Castaldi)
Comstock Elementary School	\$11,850,758	3	1.5	2	2	1.5	2	12	CMR	A/E Solicitation-Group 5 (Castaldi)
New K-8 @ NW 90 Street and 114 Avenue	\$11,641,500	1	1	1	1	1.5	2	7.5	HB	Develop Prototype
Gulfstream Elementary School	\$3,100,000	3	2	2	2	1.5	2	12.5	CMR	Sheltered Market-Group 1
Jack D. Gordon Elementary School	\$3,471,574	2	1	2	2	1.5	2	10.5	CMR	Sheltered Market-Group 1
D A Dorsey Educational Center	\$3,358,388	2	1	2	2	1.5	2	10.5	CMR	Sheltered Market-Group 1
Henry M. Flagler Elementary School	\$3,500,688	2	1	2	2	1.5	2	10.5	CMR	Sheltered Market-Group 1
Hibiscus Elementary School	\$3,496,831	2	1	2	2	1.5	2	10.5	CMR	Sheltered Market-Group 1 (Castaldi)
Coconut Grove Elementary School	\$4,380,953	2	1	2	2	1.5	2	10.5	CMR	Sheltered Market-Group 2
Mae M. Walters Elementary School	\$4,499,833	2	1	2	2	1.5	2	10.5	CMR	Sheltered Market-Group 2
Rockway Elementary School	\$5,552,163	2	1	2	2	1.5	2	10.5	CMR	Sheltered Market-Group 2 (Castaldi)
American SHS	\$7,282,826	2	1	2	2	1.5	2	10.5	CMR	AE Solicitation on-going
DASH	\$6,540,475	3	2	2	2	1.5	2	12.5	CMR	AE Solicitation on-going

LEGEND: CMR=CONSTRUCTION MANAGER AT RISK; HB=DESIGN/HARD BID

NOTES:

- (1) SCALE FOR DETERMINING DELIVERY METHOD: LOW OF 6 AND HIGH OF 13; PROJECTS WITH 9 POINTS OR LESS ARE CANDIDATES FOR HARD BID AND PROJECTS WITH 10 POINTS OR MORE ARE CANDIDATES FOR CONSTRUCTION MANAGEMENT AT RISK
- (2) AMERICAN SHS AND DASH ARE YEAR 2 PROJECTS THAT NEED ENDORSEMENT OF DELIVERY PROTOCOL

RECOMMENDED ACTION: ENDORSE PROJECT DELIVERY MATRIX AND GROUPING STRATEGY





# ADVANCING ADDITIONAL PROJECTS/SCOPE AND REALLOCATING FUNDING

## ADVANCING ADDITIONAL PROJECTS

- ▶ As is the case with the 116 projects previously advanced and currently already completed or in construction, District staff is recommending that several additional GOB funded projects be advanced
- ▶ These projects include critical items funded in years 4 or 5 of the GOB program, which require immediate attention
- ▶ Additionally, District staff recommends select reallocation of GOB funding that comports with the Board's primary commitment to enhancing K-12 facilities



# ADVANCING ADDITIONAL PROJECTS TO YEAR 3

SCHOOL	BRIEF PROJECT REQUEST	REQUESTED FUNDING	YEAR GOB PROJECT FUNDED	REQUESTED SCOPE IN GOB PROJECT (Y/N)
Redland MS	Renovation of waste water treatment plant	\$ 190,000	4	Y
North Miami ES	Replace Cafeteria HVAC System	\$ 137,000	5	Y
Cypress ES	Replace Playground Unit & surface	\$ 75,000	5	Y
Citrus Grove ES	Remove Portables	\$ 49,000	4	Y
Cutler Ridge ES	Replace 30 ton Split System (bldg. 8)	\$ 105,000	4	Y
Norwood ES	Eliminate cooling twr. & replace w/ Air cooled chiller	\$ 237,000	4	Y
Norwood ES	Playground	\$ 117,063	4	Y

RECOMMENDED ACTION: ENDORSE ADVANCING ADDITIONAL PROJECTS AS SHOWN

## REALLOCATING FUNDING

- ▶ Defer English Center project previously budgeted in Year I of the GOB program to FY 17-18. The Year I funding amount was \$1,430,698
  - ▶ Reason: A site assessment conducted during pre-design activities indicated a need for a cost-benefit analysis of renovation v. replacement. Items of a critical nature were addressed by the District's Maintenance and Safety divisions.

RECOMMENDED ACTION: ENDORSE DEFERRAL OF ENGLISH CENTER PROJECT AS NOTED AND REALLOCATION OF FUNDING TO GOB RESERVES. REALLOCATION RECOMMENDATIONS WILL BE SUBMITTED TO THE GOB COMMITTEE FOR REVIEW AT A SUBSEQUENT MEETING AND TO THE BOARD FOR FINAL ACTION.





## REALLOCATING FUNDING

- ▶ Decrease funding for Parkway, previously a middle school and currently an adult education center, from \$3,083,266 to \$1,133,267, reallocate the balance (\$1,949,999) to Myrtle Grove K-8, and advance the improvements at both campuses to FY 14-15
  - ▶ Reason: The recent repurposing of Parkway Middle to an adult education center and conversion of Myrtle Grove to a K-8 has created greater facilities related needs at the K-8 and less pressing needs at the adult education center. It is of note that prior to converting to a K-8, Myrtle Grove Elementary fed into Parkway Middle. A campus reassessment of both facilities confirmed the need for additional student stations at Myrtle Grove K-8 to accommodate students articulating into the middle school grades. The proposed funding amount for Parkway will allow for a complete HVAC replacement, a marquee sign, roofing and exterior painting, as needed.

RECOMMENDED ACTION: ENDORSE PROPOSED FUNDING REALLOCATIONS AS NOTED ABOVE ALONG WITH ADVANCING BOTH PROJECTS TO FY 14-15. THE COMMITTEE'S ENDORSEMENT WILL BE FORWARDED TO THE BOARD FOR FINAL ACTION.



# REALLOCATING FUNDING AND PROJECT RECONCILIATION

- ▶ As Year 1 construction contracts are negotiated and agreed upon and projects completed, a financial reconciliation is undertaken as part of the project close-out process
- ▶ This process is expected to create opportunities for reallocation of funds from projects where all the scope was completed under budget to projects where the needs proved to be greater than what was provided in budget
- ▶ It is anticipated that the first batch of project reconciliations will be presented to the Committee at the next meeting or sooner, as may be needed, at a special meeting





# OFFICE OF ECONOMIC OPPORTUNITY UPDATE



# SBE CERTIFICATION DASHBOARD

TODAY	BREAKDOWN OF SBE CERTIFICATIONS
43	African-American Female
135	African-American Male
3	Asian-American Female
6	Asian-American Male
99	Hispanic-American Female
192	Hispanic-American Male
9	Hispanic 50/50 Company
1	Native-American Female
62	Non-Minority
6	Service-Disabled Veteran
35	White Female
<b>591</b>	<b>TOTAL (AS OF 11/25/14)</b>





# GENERAL UPDATES

- **Disparity Study Report (Phase I)**
  - **1<sup>st</sup> Reading at 11/19/14 School Board Meeting**
  - **Additional review on Subcontractor data**
- **Loans, Lending & Bonding Initiative**
  - **Kick-off @ Coffee w/ the Community**
  - **Surety & Fidelity Association of America**
    - **Educational Workshops**
    - **Contractor Identification & Outreach**
    - **Connection w/ Local Surety Professionals**
    - **Technical Assistance**
    - **Bond Application Support**



# UPCOMING EVENTS

## Coffee with the Community

**When:** December 11, 2014 @ 9:00am

**Where:** Miami-Dade County Public Schools  
SBAB- Auditorium  
1450 NE 2<sup>nd</sup> Avenue  
Miami, Florida 33132





**Office of Economic Opportunity**  
**1450 NE 2 Avenue**  
**Suite 428**  
**Miami, Florida 33132**  
**305-995-1307**

**Website: <http://oeo.dadeschools.net>**

**Email: [oeo@dadeschools.net](mailto:oeo@dadeschools.net)**



# OFFICE OF SCHOOL BOARD ATTORNEY



# THE BASICS: A LEGAL PRIMER ON MBE LAW

- ▶ Croson
- ▶ Adarand I and II
- ▶ Strict Scrutiny Standard
  - ▶ Compelling Interest
  - ▶ Narrow Tailoring
- ▶ Strict Scrutiny
  - ▶ When is it required?
    - ▶ To examine government use of a racial preference
    - ▶ To examine government use of a racial classification

# TWO PRONGS OF STRICT SCRUTINY

## 1<sup>st</sup> Prong: Compelling Interest

- The “factual predicate” provides a roadmap to remedies
  - ▶ Identification of where disparities exist
  - ▶ Identification of the nature & form of barriers and root causes of disparities.



# TWO PRONGS OF STRICT SCRUTINY

## 2<sup>nd</sup> Prong: Narrow Tailoring of Remedies

- Consideration of “race-neutral remedies
- Consideration of appropriate “race-conscious” remedies only when it appears that neutral remedies, in and of themselves, are inadequate
- Limited duration; periodic review; limited by ethnicity/gender, industry, & form of discrimination
- Forms of remedies: Follow the Road Map of the Factual Predicate

# THE WEALTH GAP PERSISTS IN PRIVATE MARKET

- ▶ 2013-14 MGT Study (Private Sector) Findings:
  - ▶ Minority Business ownership rates continue to lag
  - ▶ Unequal access to capital
  - ▶ Private sector utilization of MWBEs has lagged
- ▶ How do we bridge the gap?
  - ▶ The appropriate role of public policy
  - ▶ The appropriate tools of public policy



# RACE-NEUTRAL/SMALL BUSINESS PROGRAMS

- ▶ Increasing defaults to SBE programs
  - ▶ No need for disparity studies because business size & location are not protected classifications
  - ▶ Inadequate to remove systemic race & gender barriers because the vast majority of firms are small
  - ▶ But only remedies to increase access to prime contract opportunities

# MGT FINDINGS – NEXT STEPS

- ▶ MWBE Initiatives
- ▶ Aspirational Goals (MWBE/SBE)
- ▶ Prime Contracting Programs
- ▶ Subcontracting Review (Requested by the Superintendent)





# PROPOSED 2015 MEETING SCHEDULE

- ▶ Thursday, March 12, 2015 - 3:00 p.m. to 5:00 p.m.
- ▶ Tuesday, June 9, 2015 - 3:00 p.m. to 5:00 p.m.
- ▶ Tuesday, September 8, 2015 - 3:00 p.m. to 5:00 p.m.
- ▶ Tuesday, December 8, 2015 - 3:00 p.m. to 5:00 p.m.

RECOMMENDED ACTION: APPROVE PROPOSED 2015 MEETING DATES



# 21ST CENTURY SCHOOLS BOND ADVISORY COMMITTEE

NEXT MEETING: MARCH 12, 2015