

Construction Administration Agreement (CAA)

- Due to the selection of Marlins Stadium Developer, LLC as the Stadium Developer this Agreement will require a 2/3 vote of members present at the February 13 Special Meeting. Additionally, one of the recommendations in this agreement is to select the stadium Construction Manager (Hunt/Moss Construction) to perform the public infrastructure work. This selection requires that formal bid procedures be waived by the Board via an affirmative vote of 2/3 of all Board members.
- The CAA provides for the planning, design, and construction of a 37,000-spectator, natural grass playing field, retractable roof stadium, to be constructed on approximately 17 acres of land on the former Orange Bowl site. The property for the Baseball Stadium Site is currently owned by the City of Miami but will be conveyed to Miami-Dade County, which will then own the land and the stadium structure.
- Approximately 17 acres of the 31 acres that comprise the former Orange Bowl site will be used for the baseball stadium (14 acres) and plaza area (3 acres). The City of Miami will convey this property to the County, which will then own the land and the stadium structure. The remaining 14 acres will accommodate the City-constructed parking garages on the north and south sides of the former Orange Bowl property.
- The Stadium Project Budget of \$515 million remains the same as originally reported in the BSA, with \$347 million from the County, \$155 million from the Team, and \$13 million from the City of Miami.
- The County's portion is funded from the Professional Sports Franchise Facility Tax (\$149 million), Tourist Development Tax (\$88 million), Convention Development Tax (\$60 million), and General Obligation Bond (\$50 million) fund. These funding sources and amounts are the same as those identified in the Baseball Stadium Agreement.
- Given the current state of the financial markets, the ability to sell the bonds required to provide our funding contribution is being monitored closely. While it is recommended that we move forward with the deal at this time, a Termination for Convenience clause has been included to allow all parties to walk away from this deal by June 30, 2009, if concerns remain regarding the ability of any party to meet its funding obligations.
- Notwithstanding the Termination for Convenience clause, it is important for the project to remain on an April 2012 construction completion schedule. To do so requires that preconstruction costs continue to be incurred on the project from the time these Agreements are approved through the June 30, 2009, termination date. The parties have agreed to a maximum level of reimbursable interim costs through June 30, 2009. The total interim costs are projected at \$20.5 million, with a maximum of \$7 million of costs to the County and \$3.5 million to the City. The remainder, including any costs above and beyond the \$20.5 million will be the responsibility of the Team. If the interim costs are less than \$20.5 million, each party's share will be reduced pro rata.
- The County and the City have worked closely to develop a scope of work to design and construct the necessary public infrastructure for the stadium. The estimated budget for this work totals approximately \$24 million, and will be split equally between the County and the City. Of that \$24 million, approximately \$4.7 million is budgeted for contingencies, overruns, and allowances for optional improvements, leaving approximately \$19.25 million in hard costs for the basic scope of work (\$9.6 million County, \$9.6 million City).

- The public infrastructure work includes the installation of water and sewer mains, stormwater system improvements, provision of electrical service to the site, landscaping, road construction and resurfacing, and needed sidewalks and signalization on roads adjacent to the future baseball stadium.
- The County's portion of the public infrastructure costs will be funded from a combination of sources that may include the interest earnings on the bonds issued for the stadium project, eligible funding available from the Water and Sewer Department for the required water and sewer mains and hydrants, eligible road improvement funds, and CDT residual funds.
- The County and the City are recommending that Hunt/Moss Construction, who was competitively selected as the construction manager for the stadium, also perform the public infrastructure work for the project. This is a major change from the BSA, but one that will greatly contribute to the success of this project through better project schedule coordination and significant reduction in cost overrun exposure to both the County and the City. This change reduces cost overrun exposure because if the County and the City were to hire a third party, other than the construction manager building the stadium, there would have been greater risk for scheduling delays to occur, and, the Marlins have agreed to accept public infrastructure risks that otherwise would have been the responsibility of the County and the City.
- If the recommendation to allow Hunt/Moss to perform the infrastructure work is accepted, they will be assigned CSBE and SBE goals for this portion of the work, in addition to the stadium construction work. Local contractors will be a major component of this project.
- HOK Sport has been chosen by the Stadium Developer as the primary architectural and design firm for the design and construction of the Baseball Stadium and the Public Infrastructure work. HOK is world renown for designing stadiums, arenas, and other sports facilities, and has been involved in almost every Major League Baseball ballpark constructed in the last 15 years. The Stadium Developer has been assigned a 5.81% CBE A/E goal from the Review Committee for the architectural and design work.
- The Stadium Developer also selected the Joint Venture of Hunt/Moss Construction as the Construction Manager to build the ballpark. Hunt/Moss Construction is also world renown in sports facility design, with extensive experience in retractable roof stadiums, including Chase Field in Philadelphia, Miller Park in Milwaukee, and Safeco Field in Seattle. Hunt/Moss and HOK have worked together on past projects as well.
- The Stadium Developer and Hunt/Moss received preconstruction services goals of 8.49 percent and 6 percent, for CSBE and SBE, respectively, from the Review Committee, with the understanding that each bid package will come back to Review Committee to establish goals for each phase of the project. Additionally, the Stadium Developer and Hunt/Moss will be required to comply with all State and County rules applicable to the bidding and construction of publicly owned and/or publicly financed facilities, including, but not limited to CSBE, SBE, CWP, and Responsible Wages.
- Additionally, SBD will provide at least one full-time staff person to monitor and ensure compliance by the Stadium Developer with County programs such as CSBE, SBE, CBE, and CWP. The Stadium Developer and MLB have agreed to contribute 1/3 each of the costs for this dedicated staff person.

- Our Owner's Rep, URS/IFG, has reviewed the Schematic Design Drawings and Construction Estimate and stated that the drawings and specifications conform to reasonable expectations for similar ballparks, that the projected 34-month construction schedule (substantial completion by March 1, 2012) is reasonable, stated that the project budget appears to be reasonable and should be sufficient to complete the project, and stated that the team of HOK and Hunt/Moss have significant stadium and arena experience, including MLB retractable roof stadiums.
- The stadium will be constructed to meet LEED Silver certification, as delineated by County Code. A cap of \$3.5 million, or, \$1.75 million each to the County and City, has been set as the maximum cost exposure for achieving LEED Silver certification. Any costs incurred above that amount will be paid for the by Team. Additionally, MLB will be contributing \$1 million towards LEED certification. The ballpark would be the second MLB facility to reach LEED Silver certification. The recently completed Washington Nationals ballpark is the first.
- A Project Coordination Team will include representatives from the County administration as well as a representative to be selected by the Board of County Commissioners to attend project status meetings lead by the Stadium Developer. Such meetings will provide updates and information regarding all aspects of the project.
- The Art in Public Places Program will apply to this project. The preliminary estimates call for approximately \$7.5 million to be set aside within the project budget for public art. The Department of Cultural Affairs and the Stadium Developer have already begun meeting to establish potential themes for the ballpark public art.
- The County will submit its request to the State Department of Revenue (DOR) for approval of our sales tax exemption procedures. We have had numerous discussions with DOR leading up to submittal of our application and are confident that approval will be granted.