

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF MIAMI-DADE

FINAL REPORT
OF THE
MIAMI-DADE COUNTY GRAND JURY
PART 1

SPRING TERM A.D. 2000

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PART 1: INQUIRY REGARDING MIAMI-DADE COUNTY PUBLIC SCHOOLS: FIRE SAFETY AND CAPITAL CONSTRUCTION

I. INTRODUCTION

By the simple process of watching television news programs and reading; the newspapers, this grand jury began its term fully aware that the administration of our Miami-Dade County School System was beset with many problems. Too many hints, by too many people, foretold that all was not well within this huge bureaucracy consisting of more than 300 schools, over 35,000 employees, and a budget of almost \$4 billion.

Having become aware of our predecessor Grand Jury's Report, and having heard from numerous witnesses during our term as Grand Jurors, we are cognizant of the numerous problems with which our school system is confronted. We appreciate the difficulties faced by the Miami-Dade County Public Schools District Administration (hereinafter referred to as the "District") in administering a system as large and as diverse as ours, and the enormity of the task in solving these problems.

We had initially planned to focus on several topics involving the administration of our schools. However, it quickly became apparent that without an army of investigators and accountants, and lacking the necessary time to adequately address all the areas of concern, we would have to limit the scope of our inquiry to have a meaningful report worthy enough to cause change. We therefore chose to look at the Office of Facilities Planning and Construction. Information we have received and analyzed has raised serious questions that demand answers.

The very safety of our children and school employees was called into question soon after we began our Grand Jury term. We demanded to be informed of developments undertaken to insure school safety because we had become so alarmed over the potentially catastrophic consequences we had learned about. Shortly thereafter, it became apparent to us that our continued inquiry in this area served as a valuable stimulus to the District to make the necessary

repairs that were so long overdue. During our sessions through the summer, much media attention was focused on fire related safety issues as the new school year approached.

We feel that our investigation of school safety problems provided dramatic insights into many issues confronting our public school system.

We received a somewhat misleading chart from the District Office of Facilities Planning and Construction at the very beginning of our investigation. The chart listed life safety expenditures of \$304,833,983 in recent years. Of that amount \$123,549,1318 was attributed to maintenance since 1993, and \$151,286,065 had been spent on capital outlays since 1988. The balance of this amount was an emergency allocation in May 000, to correct fire safety deficiencies. Things, however, are not always what they seem.

Within the capital outlay expenditures, which include such things as construction of laboratory facilities, additional classrooms or buildings, and the installation of fire alarm and sprinkler systems, are funds that have been allocated, but not expended.

For example, \$1,795,353 had been allocated for capital improvements at South Miami Senior High School in the early 1990's, but as of the first week of January, 2001, no capital construction had yet begun. Despite questioning several witnesses, we were never able to establish, to our satisfaction, where the money is presently being kept. Is the money sitting in an account somewhere or is it merely an allocation on paper that is not actually encumbered?

Questions also exist with regard to funds attributed to life safety maintenance expenditures. As it was explained to us, the District, through the Office of Facilities Planning and Construction, includes in these expenditures salaries for employees who perform routine maintenance duties such as the repair of broken windows and the replacement of air conditioner filters. Although a large amount of money has certainly been expended in the area of life safety, it may not be quite as much as the District suggests.

It is interesting to note that the District Office of Management and Compliance Audits informed us that the aforementioned expenditures were not budgeted separately nor charged to one or a few account structures to facilitate their identification. In other words, they could not track the allocations. We identified a reoccurring problem in these conflicting responses from two different Offices within the District Administration.

The Office of Facilities and Management provided us with information that, upon close examination was not entirely accurate. This could have been an error made in an attempt to give the public a simplified explanation of a very complex problem. The effect, however, was to give us the impression that we were being misled.

II. FIRE SAFETY ISSUES

According to the National Fire Prevention Association, there are more than 6,000 school structural fires reported every year in the 112,000 public and private elementary and secondary schools in the United States.

A. FIRE INSPECTIONS

Under Florida law, school districts are treated differently than any other entity within our state and have unique laws only applicable to them. Fire safety in public schools is governed by State Requirements for Educational Facilities (commonly referred to as SREF) and is supervised by the Florida Department of Education. Each school district is required to have its fire safety inspectors conduct yearly inspections of each school. There are only seven fire inspectors employed by our School District to conduct these yearly inspections. There are over three hundred schools in Miami-Dade County. When these inspectors find a violation, they give it a priority code and refer it to the appropriate department to be remedied. The most serious violations must be attended to within 24 hours. Incredibly, there is neither a follow-up inspection nor a procedure in place to ensure that these violations are remedied in a timely fashion. At the time of the next yearly inspection, the inspector will dutifully note that the violation is still in existence and send the paperwork through again. If it has been fixed, there will be no mention of it in the inspector's

report. We have seen the same violation repeatedly appear on these inspection reports from one year to the next.

Recent changes in state law mandated that the local fire marshal of each jurisdiction conduct a fire safety inspection of the public schools within his jurisdiction. The law, however, made no provision enabling the local fire marshal to take any real and effective remedial action upon finding fire violations. Under the law, the fire marshal is relegated to reporting the violations to the Commissioner of Education who can take further action if he wishes.

We have received affidavits from the Fire Marshal of Miami-Dade County, as well as the Fire Marshals of the Cities of Coral Gables, Hialeah, Miami Beach, and Miami. Each of these fire marshals has sworn in their affidavits that they conducted inspections of schools within their jurisdictions and found numerous serious life safety hazards. Indeed, we heard testimony that if the same violations found in school buildings had been found in non-school buildings under the jurisdiction of the fire marshals, these buildings would have been immediately closed until the necessary repairs had been made. In the Opinion of these fire marshals, our schools remained open with violations described as "life threatening."

B. SERIOUS LIFE SAFETY HAZARDS

Chapter 5, Section 5 of SREF defines serious life safety hazards to include, but not be limited to:

"...non-functional fire alarm systems, non-functional sprinkler systems, doors with padlocks, or other locks or devices which preclude egress at any time, inadequate exits, hazardous electrical systems, potential structural failure, and storage conditions which can create a fire hazard."

The section further provides that "Serious life threatening hazards require prompt corrective action by the board or withdrawal of the educational or ancillary facility from use until corrected."

Fire safety issues are too serious and life threatening to be lightly brushed aside. Not only did a number of the fire marshals find that some of our schools had life

threatening conditions, follow-up inspections by them revealed that these conditions had not been corrected, even after the appropriate District authorities had been made aware of them.

-In July 1999, the City of Coral Gables Fire Department conducted an inspection of Coral Gables Senior High School. The inspector found and reported approximately 50 violations of Section 5 of the SREF regulations. Several months later, re-inspection determined that only 15 of the approximately 50 violations had been corrected.

-In August 1999, the City of Coral Gables Fire Department conducted an inspection of Ponce de Leon Middle School. The inspector found and reported 41 violations of Section 5 of the SREF regulations. In May, 2000, while investigating a fire call at Ponce de Leon Middle School, it became apparent that smoke detectors were not working and had not been fixed despite notification from the City of Coral Gables Fire Department arising from the August 1999 inspection.

The Florida Department of Education, by April 2000, had begun to receive: reports of the violations cited during the fire safety inspections conducted by the local fire marshals. In June 2000, the Coral Gables Fire Chief notified the State Fire Marshal that the repeated code violations within his jurisdiction's schools pointed to a severe breakdown in the District's ability to monitor itself. His letter noted that it was frustrating and unsafe to inspect without the ability to enforce and correct. The District received notification that all deficiencies should be corrected in a timely manner. On June 20, 2000, the Commissioner of Education notified all Florida School Districts that every school must be inspected and certified as having no serious life safety hazards by August 15, 2000. He also reminded each District that he had the authority, under Florida Statute Section 235.06 (3), to close the schools if they were not safe and certified.

In a memorandum prepared by District staff, dated July 26, 2000, the School Board was notified that District personnel did not believe any serious life safety hazards existed in any Miami-Dade County School. Considering the reports of all of the local

fire marshals, the reports of the Districts own fire inspectors, and the definition of what a life safety hazard is under SREF, this memo appeared to be an alarming misrepresentation of the safety status of our schools. The District staff had taken the position that items such as inoperable fire alarms and inadequate exits were not serious life safety hazards, but rather mere code deficiencies! Having a school district construct its policies based on such outrageous beliefs negates every administrative plan stressing concern about the safety and welfare of our children and employees. This position on what constitutes a life safety hazard, is clearly at odds with the SREF definition and would find no sympathy among any parent of a school age child or loved one of a staff member. It does, however, go very far to explain why violations went uncorrected for so long. As Grand Jurors, we cannot stress strongly enough that we want our children's lives and those of our teachers and other District employees, to be safeguarded while they are in school and at work, not passed around in a bureaucratic game of "hot potato" and semantics.

C. SCHOOLS IN NON-COMPLIANCE WITH SREF

Approximately 50 schools in Miami-Dade County were not able to be certified by the August 15, 2000 deadline set by the Commissioner of Education. Despite the fact that many of these problems had been in existence for years, the District asked the Commissioner for a six-month extension of his order in regard to both inoperable fire alarms and insufficient egress from the schools. The District also promised that a status report would be sent to the Commissioner every thirty days.

Admittedly, some of the problems will take a significant expenditure of funds to correct. Others, however, can be easily remedied at little cost. Many of these violations could be completely avoided by taking common sense safety precautions as one: would take in his or her home.

For example, at Miami Beach Senior High School the Fire Department noted the following violations:

-Computers that were plugged into many power strip adapters which were, in turn, plugged into one extension cord, thereby dangerously overloading the outlets;

- Extension cord wiring that was spliced from light fixture to stereo, running along a wall in the weight room;
- Large quantities of hazardous chemicals were being stored in the weight room;
- Egress doors in many classrooms were blocked by teacher's desks and other furniture;
- Broken or inoperable two-way communication system boxes existed in several rooms;
- Many exit corridor and individual classroom doors had door Stops installed on them;
- Exit signs were not illuminated in some areas.

When the Coral Gables Fire Department inspected Coral Gables Senior High they detailed numerous problems with the fire alarm system that were easily correctable by simple maintenance. For instance:

- Fire alarm pull stations were located inside rooms that were locked;
- "Fire alarm pull station inside" signs were missing from various locations;
- A manual pull station was missing in room #313;
- No smoke detectors existed in portable classrooms;
- The alarm system was not audible throughout the building;
- Smoke/heat detectors had not been placed throughout the building or were not being properly maintained;
- Classroom and corridor air conditioning vents did not have smoke/heat dampers.

The Miami-Dade County Fire Marshal found many problems in the schools within his jurisdiction, but, like Miami Beach and Coral Gables, nothing had been done even though some of those problems were able to be corrected by simple maintenance. Miami Carol City Senior High School is one example of a school with easily correctable fire safety hazards. At Miami Carol City, electrical rooms, areas under staircases, and air conditioner handler rooms were being used as storage areas. All that was required to

remedy these situations was to move the improperly stored material from those areas to clear up the violation.

D. EFFORTS TO COMPLY

In the last seven years, the District has spent \$123,549,818 on life safety related maintenance. In an attempt to understand why our schools are in such poor condition, despite this large expenditure of funds, we looked at the expenditures made for one school: South Miami Senior High School.

Records show that between March 1996 and July 2000, \$194,733.36 was spent for Safety Related Maintenance and Operations at South Miami. Approximately \$172,500.00 of that amount was classified as labor cost. The bulk of that labor cost went to "zone mechanic" functions. A "zone mechanic" is a school system employee who is assigned to the routine maintenance of one or several schools. There is no follow-up inspection of a zone mechanic's work. Supervisors rely on work sheets to verify that the assigned job was completed. The zone mechanic is supervised by the Assistant Chief for Maintenance and Operations and is not under the supervision of the school principal.

Why weren't these life safety issues addressed earlier? As of August 15, 2000, twelve schools had inoperable fire alarm systems. Those problems are to be corrected by February 2001. Would these violations have been attended to if the local fire marshals had not raised their collective voices to the Commissioner of Education and there had not been adverse publicity for the District?

In addition to looking at the documentation concerning South Miami Senior High School, the Grand Jury also went to the school to get a first hand look at the alleged violations. We were dismayed to learn that the fire alarm system had not been operational since 1989. The principal told us that he had been complaining about the faulty alarm system since his arrival at the school six years before. He, as we, were told that the alarm system was old and out-dated and there were no available parts to fix it. The District had been waiting to incorporate the replacement of the fire alarm system with other capital construction additions it wanted to make at the school. This had been dragging on since 1989.

We also learned that the night before our visit, the District staff had sent a fire alarm repair company to the school in an attempt to make the fire alarm operational. Of course, our visit had been planned in advance and the District staff knew when we were going to be at the school. As it turned out, the "unobtainable" parts for the alarm system were miraculously found several days after our visit and the alarm system was somewhat operational at long last.

What kind of checks and balances exist in a system that allows a life safety hazard such as this to continue in a building for twelve years? The answer given by the District Office of Facilities Planning and Construction Division is that the problem was known, but was delayed because it made better financial sense to make the replacement of the alarm system a part of an overall capital renovation project at the school. Planning for this project commenced when an architect was commissioned in March 1993. Seven years later, in August 2000, we were told that construction on South Miami Senior would commence within three months. As will be discussed in the next section, the three months have come and gone.

In light of the inability of the District to comply with the August 15, 2000, certification date, the District resorted to the use of a "Fire-watch" as a stop-gap measure. A "fire watch" is a system whereby a person or persons trained for this position patrol an area to immediately report a fire that is observed. Communication is done by radio. As soon as a fire/emergency is observed, the "fire watch" person communicates with the central office and an alarm is sounded. Fire watches, not previously used, were instituted at 16 schools where fire alarm systems were not operational. As of **January 26, 2001**, 6 of the original 16 schools still have a "fire watch" program in place and "fire watches" have been instituted in 5 additional schools. Therefore, there are still 11 schools in Miami-Dade County that had to use a "fire watch" system because the fire alarms are not operational.

Finally, as previously stated, approximately 50 schools in Miami-Dade County had not been certified to the Department of Education as being free of life safety deficiencies. As of January 26, 2001, 44 of these schools are still under repair. It is expected that 7 of these 44 schools will not be completed by the February 1, 2001 deadline.

Are our schools safe today? How can we guard against a reoccurrence of this neglect in the fixture? We have been given assurances by school administrators that all life safety deficiencies will be corrected by February 1, 2001. Most of the maintenance problems have been addressed and the fire marshals acknowledge there has been improvement. What remain are those problems that require capital expenditures. The involvement and vigilance of the local fire marshals was essential to these serious deficiencies being identified and corrected, and we applaud them for their persistence and professionalism. Without this continued oversight we are hesitant to believe that the necessary life safety standards will be maintained.

III. CAPITAL CONSTRUCTION PROJECTS

A. SOUTH MIAMI SENIOR HIGH - THE DELAY IN RENOVATION

As previously noted, the explanation given by the District as to why the life safety hazard of a non-functioning fire alarm system at South Miami Senior High was allowed to exist for so long, was that it was more economical to incorporate the replacement of the fire alarm system in an overall capital improvement project than do it as an independent one. Given this explanation, we decided to also look at capital construction projects within the District.

Repairs are divided into three different areas: Operational, which is the responsibility of the school principal; Maintenance, which falls under the Miami-Dade Public Schools Maintenance and Operations Division; and Capital, which falls under the Design and Construction Division. The latter two divisions are under the supervision of the Chief Facilities Officer in the Facilities Planning and Construction Office of the District.

We learned that there are two major types of capital construction projects: renovations (which would include the repair of the facility) of existing facilities; and new construction. South Miami Senior High fell into the first category.

In addition to the fire alarm system problem, which has already been discussed, South Miami Senior High had major design problems. Chief among them was the fact that many rooms had two exit doors, both of which emptied/opened into the same atmosphere. That is, when you exited the room

through either door, you were in the same hallway, only a few feet from the other door. Under the fire code, each door of the room was required to empty into a different atmosphere (area) so that you had an alternative means of escape if one hallway was engulfed in smoke and/or flames or was not usable for some other reason (many schools in Miami-Dade County have the same problem which must be addressed). Furthermore, the District decided to build additional classrooms/laboratories in the school by adding another floor.

The construction needed to correct the egress/atmosphere SREF violations and the addition of another floor to the school were combined with the *installation of a new fire alarm* and sprinkler system. This was a major undertaking, especially when one considers that a great deal of the work had to be done during the school year while classes were in session.

In order to fully understand why it has taken so long for the work at South Miami Senior High to be done, it is necessary to review the entire history of the project. In November of 1988, Miami-Dade County voters approved a bond issue relating to school construction. South Miami Senior High was one of the schools that was to receive money for renovations. The District prioritized the renovation/construction work and it was decided that South Miami Senior High was to be addressed in 1992.

The following is a chronology of progress at South Miami Senior:

August 1992	Hurricane Andrew hits
March 1993	The architect/engineer was commissioned to inspect South Miami Senior and report his findings. Estimated cost of the renovations was \$1.7 million
August 1993	The State of Emergency reference Hurricane Andrew was declared over
November 8, 1995	The architect/engineer submitted his report and estimates that the cost of the project was not \$1.7 million, but rather \$4.4 million based upon the expanded scope of renovations as

	requested by the District
January 28, 1997	The Phase I (initial plans) of the architect were approved (by Educational Facility Compliance Office, hereinafter referred to as EFCO)
February 19, 1998	The architect/engineer submitted his intermediate plan (Phase II) to the District
June 12, 1998	The Phase II plan was passed along by the District to EFCO for approval
July 8, 1998	EFCO withheld approval of the Phase II plan and returned it for further work
October 7, 1998	A Construction Manager At Risk was hired to oversee the project
December 23, 1998	The Phase II plan was approved by EFCO
July 1999	The architect/engineer submitted his Phase III (final) plan to the District. The District changed the scope of the plan requiring modifications of the submitted drawings by the architect/engineer
February, 2000	New Phase III plan submitted to the District
November, 2000	Phase III plan submitted to EFCO

Despite earlier representations that had been made to us by District personnel, the project status as of January 11, 2001 was still unsettled. EFCO had rejected the Phase III plan submission. The architect had been removed from much of the project and relegated to the role of a consultant. Another architect was to be retained to start anew. The life safety hazard (fire alarm system) portion was severed from the rest of the project and work is in progress today to replace the fire alarm system with a new one and add a sprinkler system. As of January 26, 2001, part of the fire alarm/sprinkler system work had actually begun, while other portions of the job were still in the design stage. After the decision to separate the repair/installation of the fire alarm and sprinkler system was made, another decision was made to discontinue the plan to add a third floor to the school. Instead, it was decided that an entirely new wing would be built. All of the work that had taken place over the past several years had to be discarded and new plans prepared. As of January 26, 2001, the new wing program was in the design phase and still had not reached the Phase I planning stage.

It is interesting to note that one of the reasons given by District personnel for keeping the original architect on the project for so long was the cost of hiring a new one and having him start from scratch. Although it is easy to be a Monday morning quarterback, that is exactly what has ultimately happened. After a great deal of money has been spent trying to work with the original architect, additional funds will have to be found and expended on a new one to start all over and on a new project to replace the one that has been discontinued.

Why should it have taken so long for such vital repairs to be made? How could it take so long for a school that is so obviously in need of repairs to have them addressed? We asked these questions of many witnesses and received many answers, some of them conflicting. One thing though, is abundantly clear - delay is expensive. As of September 26, 2000, the following moneys had been expended on the renovation design at South Miami Senior:

Architect/engineer Programming Phase	\$ 27,844
Architect/engineer	199, 510
Architect/engineer Insurance Reimbursable	31,032
Architect/engineer Addition Services	20,317
	4,375
	9,339
	39,643
Architect/ engineer reimbursable	178
	280
	592
	493
Construction Manager at Risk (pre-construction services)	31,903
UBCI/EFCO (plan reviews and inspections)	8,311
Surveying	1,23 7
Other printing costs	17.177
Total Expenditures:	\$392,191

A project manager is assigned by the District to every capital project the District undertakes. These project managers are responsible for overseeing the work and ensuring that the job goes smoothly. We were told time and again during our investigation, that the District project managers are continuously leaving for better paying jobs and those that remain have so many projects to handle and are so mired in paperwork, that they have virtually become paper pushers and cannot really oversee the

construction work properly. The same project often has several different project managers assigned to it from beginning to end.

B. CONSTRUCTION MANAGERS AT RISK

The District, therefore, has brought in "Construction Managers At Risk" on a number of projects that have dramatically fallen behind schedule, such as South Miami Senior. These "Construction Managers At Risk"(hereinafter referred to as CMaR) were to oversee and expedite the projects they were assigned to. Although successful in certain cases, they did not fair very well in others. If the District employed a sufficient number of project managers and assigned them to a reasonable number of projects, there would be no need for CMaR's and projects would move along at a much quicker pace.

In June of 1998, a CMaR was hired to coordinate and schedule the pre-construction phase at South Miami Senior High. The CMaR's proposal called for a review of design documents for clarity, consistency and coordination. The idea was to assemble a team of architectural, civil, mechanical and electrical professionals to perform this work. The CMaR worked with the architect for 2 years but was unsuccessful in achieving the desired results. As previously indicated, the architect has recently been made a consultant to the project, and a new architect will replace him.

The same CMaR hired to oversee the construction at South Miami Senior High, was also retained as the CMaR to oversee the renovation work being done at South Miami Elementary School, South Miami Middle School and Gloria Floyd Elementary School. In 1998, when the CMaR submitted its proposal for South Miami Middle, it stated that the status of the design was at Phase III, with an estimated submission date of August, 1998. As of January 2001, South Miami Middle School was still in the design phase. The CMaR was to perform the same function of design review at South Miami Middle, with the same team of professionals, as it was at South Miami Senior High. Thus far they have apparently been unsuccessful. We were delighted to learn that the project has moved from the design phase to actual construction at South Miami Elementary School.

The Gloria Floyd Elementary School project was the subject of a recent report by the media because it took four years to build a new wing. Compared to projects we have reviewed, four years might be considered a "rapid" renovation. In actuality, such is not the case. This project suffered from delays involving the architect, as did many other construction projects. The architect was commissioned in 1991. Because of damage caused by Hurricane Andrew in 1992, emergency repairs had to be made. A new budget and a reduction in the scope of the project took place. The District was never able to resolve differences with the architect, and finally terminated its contract with the architect and hired a new one. The project did not enter the construction phase until 1997. The District decided during this construction that it should limit the pending contract to new construction. This new construction was completed in 1999. The renovations and remodeling, including the renovation of the air conditioning system, the remodeling of exits for emergency egress, a new fire alarm system and the design and construction of a bus drop off, was at the Phase II design stage when the CMaR's proposal was submitted in August of 1998. Everything except the bus drop off was completed in August of 1999. The bus drop off was completed in September of 2000. If one only looks at the construction portion of the original project, things progressed relatively well. An examination of the entire project shows that it took eight years from the time the need for a new wing was identified until completion. This delay, like others throughout the District, was excessive.

In an attempt to determine if South Miami Senior High, South Miami Middle and Gloria Floyd Elementary were really representative of projects throughout the District, we decided to look at a new construction project (as opposed to a renovation) which had a different architect and a different project manager.

The District conducted a survey in 1987 and decided that Northwestern Senior High School was in need of renovations. These renovations were never done. It was decided to build a new school. The scope of the new school was continuously changed and expanded throughout the project. Ten years later the new Miami Northwestern Senior High School was completed at an enormous cost. An audit was conducted by the State Auditor General and was published in 1996. The audit found that the District had generally complied with the significant provisions of law governing such construction projects. The audit did note that certain actions may have unnecessarily increased the cost of the project. As at South

Miami Senior High, the original architect on the Northwestern Senior High project was unable to adequately fulfill his job responsibilities and had to be terminated and replaced.

The total cost to build Miami Northwestern Senior High went from an estimated \$27,800,000 in 1989 to an actual cost upon completion in 1997 of \$74,628,872. This huge escalation in cost was attributable to continuing changes in the scope of the construction: going from a small school with no specialized programs to a school with a magnet program and specialized vocational programs. Every time the scope of work was expanded, it required additional plans and submissions and approvals. Once again, time is money.

We found it interesting that the recently constructed Coral Reef Senior High School, which has the same student capacity as Miami Northwestern Senior High and was also occupied in 1997, had a total cost at completion of \$44,564,744. This is approximately 60% of the cost of Miami Northwestern, and was built using the Design-Build Construction process.

Delays cost money and there were significant delays at Miami Northwestern Senior High. The school was scheduled for occupancy in June of 1993, but cost increases and the necessity to change architectural firms made a significant contribution to total project cost beyond what might reasonably have been expected as a result of the expanded scope.

C. DESIGN AND CONSTRUCTION PROCESS: CONVENTIONAL vs. DESIGN - BUILD

During our investigation we learned that there are two general methods employed by the District to plan and build facilities.

The "Conventional" method was for the District to decide what it wanted to have done and then employ an architectural firm to do a "scope definition" program which set out the exact scope of the project and estimated cost. The next step was to retain an architectural firm to provide a design for the proposed project (this included Phase I, the initial plans, Phase II the intermediate plans, and Phase III, the final plans). Once the Phase III plans were approved, a general contractor was hired to build the facility. This method was the one that was employed at South Miami Senior High, South Miami Middle,

South Miami Elementary, Gloria Floyd Elementary and Miami Northwestern Senior High, as well as, many other schools where delays and cost overruns occurred.

The new method, and the one that appears to be working rather well, is called the "Design-build" method. Under this method, once the District decides on what it wants done, a firm is hired to do both the design and construction aspects of the project. One firm is responsible for everything. This appears to streamline the overall operation and makes for better accountability and effective cost control.

We also learned during our inquiry that the District, over the years, has sought to retain the services of as many architectural firms as possible so no individual architect or small group of architects monopolized all of the District's construction business.

Although this may have been a noble gesture, it has resulted in many small and unproven firms, with little or no experience in the construction of school facilities, being awarded contracts. This in turn, has greatly increased the delays and costs associated with construction projects and has resulted in the termination of some of these firms and the hiring of new firms at additional expense.

D. RE-USE OF SUCCESSFUL DESIGNS

Finally, to our amazement, we learned of what might be called the "Three use policy". The District has a policy that no matter how good an architectural design may be, and no matter how well it works, the District will only use that design three times and then discard it.

Why? If a design works and has been proven successful, why stop using it? Why go to the expense of hiring a new architect to design the same thing? Why re-invent the wheel?

We were given a twofold reason for this policy: it makes for diverse school facilities whereby the entire school system is not a mirror image of itself; it spreads the wealth--it gives other architects a chance to earn some money. In this day of tight budgets and overcrowded schools, esthetics would seem to take second place to necessity and economy. In addition, we must not forget that the primary purpose of the District is to educate our children. If a design works, it should not be discarded merely for esthetic purposes.

IV. LAND ACQUISITION

The area of land acquisition is also under the District Office of Facilities Planning and Construction. During our term we began looking at a very questionable land purchase by the District. Shortly after our inquiry began, the District Director for Land Use and Policy Acquisition took an extended leave of absence. We were interested in investigating this particular piece of land because the Miami-Dade School Board had made a decision to purchase it much in excess of the appraised value.

We took a preliminary view of the method by which the District selects sites and obtains appraisals for the land they purchase. We learned that if the value of the land is above \$500,000, Florida Statutes require that two appraisals must be obtained. The original, lowest appraisal, was disregarded as artificially low by the District on the recommendation of the District Director for Land Use and Policy. We have learned that an audit is in progress by the State of Florida, Office of the Auditor General on this particular purchase and that the State of Florida Office of Program Policy Analysis and Government Accountability is conducting a survey and issuing a report on recent land acquisitions by the District. During the course of our investigation we also learned that this purchase was the subject of an ongoing criminal investigation. Because of the existence of these on going parallel inquiries, we deferred any further witness questioning. We did receive ongoing progress reports because of our interest in this matter. We do not feel at liberty to discuss those reports because of the ongoing nature of this matter.

V. RECOMMENDATIONS

A. FIRE SAFETY ISSUES

The District cannot and should not consider itself immune from the danger of a school fire. Memoranda from local fire marshals, such as the one from Coral Gables, confirm that we have had fires within our schools. National statistics tell us that a fire occurs in 1 out of every 19 schools each year. Fortunately, they have not caused any personal injury to our children or employees here in Miami-Dade County. We should not wait until tragedy strikes to remedy violations that could have been easily repaired. We must strictly enforce regulations that demand a high level of school fire safety, such as those outlined in the SREF. Particularly in our overcrowded school District, it would be unconscionable not to do so.

We therefore make the following recommendations in the area of fire safety:

1. Local fire marshals already have the authority to inspect our schools for life safety and all other SREF violations. We recommend that they also be given the power to enforce corrections of these violations. This granting of authority would require a change in state law by the Florida Legislature. Until such time, we recommend that the Florida Commissioner of Education vigorously use his authority to ensure the safety of our schools.
2. We recommend that provisions be made for mandatory follow-up inspections of life safety violations.
3. We recommend that the District have a policy of expediting any construction projects that involve life safety hazard corrections and that any project of this type include a plan for the immediate temporary correction of the hazard.
4. We recommend that the District recognize the importance of maintaining the safety of our schools in compliance with Chapter 5 of the SREF regulations and discontinue its dangerous policy of viewing these requirements as mere technical code violations.

B. CAPITAL CONSTRUCTION PROJECTS

The District should make every effort to construct sound, safe schools at a reasonable cost. We therefore make the following recommendations in the area of capital construction projects:

1. We recommend that the District discontinue the use of the conventional method of design and construction and severely limit the use of CMaR contracts. Instead, the design-build method should be used on future major construction projects.
2. We recommend that the District discontinue the process of multiple change orders unless absolutely necessary to complete a project.
3. We recommend that the District adopt a policy in which it uses a successful architectural design more than three times before discarding it.
4. We recommend that the District retain and use the services of architects and construction firms that are experienced in the design and construction of school facilities.

C. MISCELLANEOUS

In order to avoid the appearance of impropriety and instill confidence in the citizens of our County, we make the following recommendations:

1. We recommend that the District support the concept of an ethics oversight board. This body should serve as a place where District employees can bring complaints without fear of reprisal by supervisors. For this reason the board must be independent, and not subject to oversight by either the District Administration or the School Board itself.
2. We recommend that those agencies that have reported to us concerning the progress of their on going investigations of the District, continue those investigations and issue public reports in order to maintain public confidence in our school system.

VI FINAL STATEMENT

This Grand Jury recognizes that as a special arm of our Miami-Dade community it has an enormous responsibility. It is our duty as Grand Jurors and citizens of Miami-Dade County, to help make our schools better, safer, more efficient and more productive. This report is intended to facilitate these goals. It is our hope that the issuance of this report will spur corrective action on the part of the District. However, if this report is used as a basis to reduce the present level of school funding, such action will do irreparable harm to our children and our schools, and have a chilling effect on future efforts at self-evaluation and improvement. It is our sincere hope and expectation that this report will result in its intended purpose, that being, the improvement of our children's safety so as to promote their education.

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
CLAUDYCHEL LEYVA	First Degree Murder Aggravated Child Abuse	True Bill
KEAIR WALKER	First Degree Murder	True Bill
DANIEL ANTHONY BURNES	First Degree Murder First Degree Murder Attempted Armed Robbery Attempted Armed Robbery	True Bill
JOHN EDMUND LOWE	First Degree Murder Unlawful Possession of a Weapon While Engaged in a Criminal Offense	True Bill
TAURUS JEROME CRAIG (A) and JEVON CHAPPELL ROMER (B)	First Degree Murder Armed Robbery Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
RUSSELL ANDREW KINNEY and LEE ANDREW LEWIS	First Degree Murder (A & B) Armed Robbery (A & B) Armed Robbery (A & B) Shooting or Throwing Deadly Missile (A & B) Attempted First Degree Murder (A & B) Burglary with Assault or Battery Therein While Armed (A & B) Armed Robbery (A & B) Aggravated Assault with a Firearm (A & B) Unlawful Possession of a Firearm While Engaged in a Criminal Offense (A & B) Unlawful Possession of Firearm by a Convicted Felon (A) Unlawful Possession of Firearm by a Convicted Felon (B)	True Bill
ORIEL BERNADEU	First Degree Murder Burglary with Assault or Battery Therein While Armed	True Bill
MICHAEL CRUZ-DIAZ, Also known as MICHAEL CRUZ, Also known as JOSE MORALES, Also known as ROBERT VAZQUEZ	First Degree Murder Robbery Injuring or Killing a Police Dog Resisting an Officer Without Violence	True Bill
KEITH JOJO JACKSON	First Degree Murder Carrying a Concealed Firearm Unlawful Possession of a Firearm by a Convicted Felon	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
GERALD LEONARD LEWIS	First Degree Murder Robbery / Strong-arm	True Bill
JUAN CARLOS BORREGO	First Degree Murder Robbery / Strong-arm Grand Theft Third Degree / Vehicle	True Bill
ARIE BIZZLE	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Attempted Armed Robbery Attempted Armed Robbery Attempted Armed Robbery Unlawful Possession of a Firearm or Weapon by a Convicted Felon	True Bill
DAVID ELUS MURRAY	First Degree Murder	True Bill
(A) EVANS GUERRIER and (B) RICHARD THOMAS GIORDANI	First Degree Murder Kidnapping	True Bill
FREDERICK ALFREDO PLEZ	First Degree Murder Unlawful Possession of a Firearm or Weapon by a Convicted Felon Armed Robbery Aggravated Assault with a Firearm	True Bill
XAVIER A. HAYES and ANDREW A. HAYES	First Degree Murder Aggravated Assault with a Firearm (A) Unlawful Possession of a Firearm or Weapon by a Convicted Felon (A) Unlawful Possession of a Firearm or Weapon by a Convicted Felon (B)	True Bill
(A) CLAUDIA SALOMON, (B) MICHAEL CAJUSTE and (C) EDSON AARONETTS VILME	First Degree Murder Attempted Felony Murder/Deadly Weapon Attempted Felony Murder/Deadly Weapon Attempted Armed Robbery	True Bill
ANGEL D. MULGADO	First Degree Murder Robbery/Strong-Arm Kidnapping Petit Theft Fraudulent Use of Credit Card	True Bill
NELSON GARCIA	First Degree Murder First Degree Murder Armed Burglary with Assault/Battery Attempted First Degree Murder	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
ANDREWS DIEGUEZ	DUI/Manslaughter Vehicular Homicide DUI/Serious Bodily Injury Driving Under the Influence Causing Serious Bodily Injury	True Bill
PRESCOTT WOODSIDE	First Degree Murder Attempted Armed Robbery Conspiracy to Traffic in Cocaine	True Bill
FERNANDO PEREIRA LEITE	First Degree Murder Unlawful Possession of a Weapon While Engaged in a Criminal Offense Grand Theft 3rd Degree	True Bill
ANTWAN DANELLE DORSETT (A) WAYNE JOHNSON (B) and JONATHAN PHILLIPS (C)	First Degree Murder	True Bill
(A) EARL RAYMOND MILLION and (B) SEAN MICHAEL CONNER	First Degree Murder Robbery Using Deadly Weapon or Firearm	True Bill
ALEX TYWONE GREENE	Murder First Degree / Firearm Robbery / Armed / Attempt Murder First Degree / With a Deadly Weapon / Attempt Shooting or Throwing Deadly Missile Unlawful Possession of a Firearm or Weapon by a Convicted Felon	True Bill
JOSEPH STEWARD, also known as XAVIEN BRETT STEWART, also known as XAVIER STEWART	Murder First Degree	True Bill
JAVIER RIVAS	Murder First Degree Sexual Battery / Firearm / Deadly Weapon / Attempt Burglary with Assault	True Bill
D'ANDRE ROLACK	Murder 1st Degree Felony / Causing Bodily Injury Felony / Causing Bodily Injury Felony / Causing Bodily Injury Felony / Causing Bodily Injury Concealed Firearm / Carrying Firearm / Weapon / Posn by Convicted Felon / Delinquent Burglary of an Occupied Dwelling	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
(A) ALBERT LEE MOSELY, also known as "JUNIOR" (B) MARK BERNARD BELL, also known as "GUSSY" (C) ANTHONY TYRONE GRANGER, also known as "GEECH" (D) JEFFREY LEWIS SMITH and (E) ANTHONY JACKSON	Murder 1st Degree Robbery / Armed / Firearm or Deadly Weapon Robbery / Armed / Conspiracy Cocaine / Conspire to Traffic	True Bill
DANGELO EUGENE MITCHELL	Murder First Degree	True Bill
TARONN KENARD BROWN	Murder 1st Degree Firearm/Posn by Convicted Felon	True Bill
RAUL CARILLO, also known as CARLOS ALBERTO CUE	Murder 1st Degree Aggravated Stalking/Firearm/Prior Restraint/Inj	True Bill
ARMOND DAVIS	Murder 1st Degree Murder 1st Degree Burglary/with Assault or Batter/Armed Robbery/Armed/Firearm or Deadly Weapon Kidnapping/With a Weapon Kidnapping/With a Weapon Firearm/Use, Display While Committing a Felony Short-Barrel Shotgun, Rifle, Machine Gun/Possess Firearm / Weapon / Posn by Convicted Felon/ Delinquent	True Bill
AMERICUS JONES, also known as "JUNE"	First Degree Murder Murder Second Degree / Felony Robbery / Armed / Attempt	True Bill
COREY SMITH, also known as "BUBBA" and CHAZRE EVIN DAVIS, also known as "CRIP"	Murder First Degree Murder First Degree / Conspire	True Bill
ROY LEE BONNER	Murder 1st Degree Murder 1st Degree Murder 1st Degree / with a Deadly Weapon/ Attempt	True Bill
QUENTIN LIONEL WILLIAMS	Murder 1st Degree Murder 1st Degree Murder 1st Degree / with a Deadly Weapon/ Attempt	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
ANDRES CARRENO (B) NATALIA VELEZ (A)	First Degree Murder (B) Child Abuse / Aggravated / Great Bodily Harm (B) Aggravated Manslaughter of a Child (A) Child Neglect / No Great Bodily Harm (A)	True Bill
HERMAN BLASH, also known as JAMES EDDEY	Sexual Battery / On a Minor by a Minor Sexual Battery / On a Minor by a Minor Sexual Battery / On a Minor by a Minor	True Bill
PEDRO OJEDA	Murder First Degree	True Bill
DUANE ISAAC WALKER	Murder 1st Degree Child Abuse / Aggravated	True Bill
(A) ANDREW MCWHORTER and (C) ROBERT LEE SAWYER	Murder First Degree	True Bill
ANDRE TERRELL BARTEE, also known as ANDRE JOHNSON	Murder 1st Degree Burglary of an Unoccupied Conveyance Grand Theft 3rd Degree / Vehicle	True Bill
SILVIO JAVIER MITSOULIS	Murder First Degree Burglary / with Assault or Battery	True Bill
MANUEL A. CALDERON	Murder First Degree Murder First Degree / Conspire	True Bill
ALEXIS "SUSIO" CABRERA (A) and JOSE FRANCISCO JIMENEZ (B)	First Degree Murder Cocaine / Conspire to Traffic	True Bill
EDWIN BAPTISTE	Murder 1st Degree	True Bill
ALBERT OTIS LABON	Murder 1st Degree Firearm / Weapon / Possession by Convicted Felon / Delinquent Firearm / Use, Display While Committing a Felony	True Bill
JOHNNY MORA	Murder First Degree Robbery/Armed Firearm or Deadly Weapon	True Bill
JOSE ANTONIO PEREZ	Murder 1st Degree Murder 1st Degree Aggravated Stalking / Firearm / Prior Restraint / Inj Stalking / Aggravated	True Bill

ACKNOWLEDGMENTS

The commitment of six months for Grand Jury duty is difficult and requires that personal and professional sacrifices be made. One's initial instinct is that this commitment is not feasible and may not be of great value. By the end of the jury term, the consensus of opinion is that this is an enlightening experience and the ability to participate in local government is worthwhile and fulfilling. The jurors, representing a wide variety of ethnic and cultural backgrounds, were able to unify as a group and make decisions and explore issues of social relevance in our community. It has been a privilege to be able to participate in this process.

We would especially like to thank Chief Assistant State Attorney Gertrude Novicki, Deputy Chief Assistant State Attorney Fred Kerstein and Assistant State Attorney Mark Smith, our legal advisors, for their expert guidance and broad knowledge. They have personally inspired our belief in the criminal justice system. Their professionalism and skills made our task enjoyable and easier to perform.

The grand jury expresses their sincere gratitude to Rose Anne Dare, Administrative Assistant and Nelido Gil, Bailiff, for their dedication and commitment in making the grand jury run efficiently. They managed innumerable administrative duties with a cheerful and friendly attitude. We also thank Angela Garcia, Clerk for the Grand Jury, for her professionalism in her work.

We are especially thankful of Honorable Judge Judith L. Kreeger and State Attorney Katherine Fernandez Rundle for their professionalism, dedication and continued commitment to the Miami-Dade County community and judicial system which makes up part of this great country we live in. It has been an honor to serve under their leadership.

Respectfully submitted,

Jorge A. Sanchez
Miami-Dade County Grand Jury
Spring Term 2000

ATTEST:

Lissette Guerra-Cervantes
Clerk

Date: _____