

SCHOOL BOARD OF BROWARD COUNTY

AUDIT COMMITTEE MEETING

KC WRIGHT ADMINISTRATION CENTER
BOARD ROOM
600 SE 3RD AVENUE
FORT LAUDERDALE, FLORIDA

THURSDAY, FEBRUARY 24TH, 2022
11:30 A.M. - 1:12 P.M.

Court Reporter:
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1 COMMITTEE MEMBERS IN ATTENDANCE:

2 MR. ROBERT MAYERSOHN, CHAIR
MR. ANDREW MEDVIN, VICE CHAIR
3 MR. MOSES BARNES
MS. REBECCA DAHL
4 MR. ANTHONY DE MEO
MS. MARY FERTIG
5 DR. NATHALIE LYNCH-WALSH
MR. ADAM SABIN
6 MS. PHYLLIS SHAW (Telephonically)

7

OFFICE OF THE CHIEF AUDITOR STAFF:

8

MR. JORIS JABOUIN, Chief Auditor
9 MS. ALI ARCESE, Manager, Property and Inventory
Audits
10 MS. ANN CONWAY, Manager, Internal Funds Audits
MR. ERIC SEIFER, Auditor III
11 MS. MICHELE MARQUARDT, Executive Secretary
MS. WANDA RADCLIFF, Clerk Spec B Confidential

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13 DISTRICT STAFF:

14 DR. VALERIE WANZA, Chief School Performance &
Accountability Officer, Office of School
15 Performance & Accountability
DR. JERMAINE FLEMING, Acting Chief Strategy &
16 Operations Officer, Office of the Chief Strategy
Operations Officer
17 MR. SAM BAYS, Task Assigned Executive Director Capital
Program, Office of Chief Facilities &
18 Construction Management
MS. MARY COKER, Director, Procurement & Warehousing
19 Services
MS. SHARI FRANCIS, Manager, PWS

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INVITED GUESTS:

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MR. DAVID LUKER, Director, RSM
22 MR. CHRIS GUMS, Risk Advisory Services, RSM
MS. KATHLEEN LANGAN, AECOM
23 MS. ASHLEY CARPENTER, Atkins
MR. TIM BASS, Court Reporter, United Reporting
24 MR. SCOTT TRAVIS, Reporter, Sun-Sentinel

25

1 Thereupon, the following proceedings were had:

2 - - -

3 MR. MAYERSOHN: All right. Good morning,
4 everybody. Thanks for your patience. This is
5 the Thursday, February 24th Audit Committee
6 Meeting. It is now 11:30.

7 If we can rise for the pledge?

8 (Whereupon, the Pledge of Allegiance was
9 recited.)

10 MR. MAYERSOHN: All right. Can we get a roll
11 call?

12 MR. JABOUIN: Thank you.

13 Mr. Moses Barnes?

14 MR. BARNES: Here.

15 MR. JABOUIN: Ms. Rebecca Dahl?

16 MS. DAHL: Here.

17 MR. JABOUIN: Mr. Anthony De Meo?

18 MR. DE MEO: Here.

19 MR. JABOUIN: Ms. Hagen Disch is excused.

20 Ms. Mary Fertig?

21 MS. FERTIG: Here.

22 MR. JABOUIN: Dr. Nathalie Lynch-Walsh?

23 DR. LYNCH-WALSH: Here.

24 MR. JABOUIN: Mr. Robert Mayersohn?

25 MR. MAYERSOHN: I'm here.

1 MR. JABOUIN: Mr. Andrew Medvin?

2 MR. MEDVIN: Here.

3 MR. JABOUIN: Mr. Andrew Sabin?

4 MR. SABIN: Here.

5 MR. JABOUIN: And Ms. Phyllis Shaw?

6 MS. SHAW: Present, on the phone.

7 MR. MAYERSOHN: So, Ms. Shaw, you're on the
8 phone; huh?

9 MS. SHAW: Yes, I'm sorry.

10 MR. JABOUIN: My name is Joris Jabouin, I am
11 the Chief Auditor.

12 MR. MAYERSOHN: Can we go around the room for
13 just staff purposes?

14 MR. BAYS: Good morning. Sam Bays, Executive
15 Director, Task Assigned, Office of Capital
16 Programs.

17 DR. FLEMING: Good morning. Jermaine
18 Fleming, Acting Chief Strategy & Operations.

19 DR. WANZA: Good morning. Valerie Wanza,
20 Chief School Performance & Accountability
21 Officer.

22 MR. LUKER: David Luker, RSM.

23 MR. GUMS: Chris Gums, Senior Auditor, RSM.

24 MS. CONWAY: Ann Conway, Office of the Chief
25 Auditor.

1 MS. FRANCIS: Shari Francis, Manager
2 Construction Sourcing, Procurement & Warehouse
3 Services.

4 MS. MARQUARDT: Michelle Marquardt, Office of
5 the Chief Auditor.

6 MS. RADCLIFF: Wanda Radcliff, Office of the
7 Chief Auditor.

8 COURT REPORTER: Tim Bass, Court Reporter.

9 MR. MAYERSOHN: Thank you.

10 All right. The approval of the agenda, do I
11 have a motion to approve.

12 MS. SHAW: Phyllis Shaw, motion to approve.

13 MR. MAYERSOHN: Do I have a second?

14 MR. MEDVIN: Second.

15 MR. MAYERSOHN: Second by Mr. Medvin.

16 All those in favor signify by saying aye.

17 COMMITTEE MEMBERS: Aye.

18 MR. MAYERSOHN: Anybody opposed?

19 (No response.)

20 MR. MAYERSOHN: The agenda is approved.

21 Chief Auditor Administrative Matters.

22 MR. JABOUIN: Thank you, Mr. Mayersohn. In
23 the interest of time I will go extremely quickly
24 to report that we have received all of the
25 acknowledgment of school board advisory member

1 forms and that all the audit committee members
2 have taken the annual training for school-based
3 established advisory committee members.

4 As we get this meeting started I do want to
5 thank my staff and BECON and the rest of the
6 district to be able to get this meeting going in
7 short order. We needed to skip a few of some of
8 the processes that we do to get this meeting
9 going, but I do thank the committee members for
10 attending. And that concludes my report as there
11 are no public speakers.

12 MR. MAYERSOHN: Are there any public
13 speakers?

14 (No response.)

15 MR. MAYERSOHN: None? All right.

16 Audit Committee Chair Comments. My comments
17 are going to be brief. Just remember, we do have
18 a 1 p.m. cutoff time. Just, again, a reminder,
19 our goal remains that we want to, you know, have
20 explicit focus and let's not, you know, get off
21 on tangents. So let's stay laser sharp on,
22 especially on today's meeting to get all this
23 work done.

24 My comment is, and I guess I bring this to
25 Dr. Fleming, who is subbing or coming in for the

1 superintendent. This is the third time that I've
2 asked about, we made a motion regarding that the
3 Office of Chief Auditor report directly to the
4 school board. It was my understanding that when
5 I had a conversation with Dr. Osgood, who was the
6 chair at the time, that she was going to bring
7 that item forward. Some information or some
8 report where that stands, whether it's -- again,
9 I'm not asking that it be approved or not, but
10 just that it goes before the school board in some
11 way, some fashion, whether a workshop or whatever
12 it may be and some timeframe. Because this has
13 been going on for a while.

14 DR. FLEMING: Thanks for that question. And
15 this meeting was delayed today because the
16 superintendent, officially, her contract was
17 approved today. So I'm sure as the
18 superintendent looks at her organizational chart
19 and that request comes forward it will be
20 considered. But I will also make note to relay
21 the message again.

22 MR. MAYERSOHN: Right. Well, this may go,
23 like I said, both ways to the current chair, you
24 know, and she can decide how to agenda that item.
25 I know I said Dr. Osgood was supportive of

1 putting it on an agenda, not necessarily saying,
2 you know, I agree or disagree, but getting it on
3 an agenda and having a discussion. So I just
4 wanted to bring that forward.

5 With that being said, that's kind of my
6 report.

7 Do I have a motion to approve the January
8 20th audit committee meetings minutes?

9 Don't all jump in.

10 MR. SABIN: So moved. Adam Sabin.

11 MS. SHAW: Phyllis Shaw, second.

12 MR. MAYERSOHN: Moved by Mr. Sabin, second by
13 Ms. Shaw.

14 All those in favor signify bay saying aye.

15 COMMITTEE MEMBERS: Aye.

16 MR. MAYERSOHN: Anybody not approve?

17 (No response.)

18 MR. MAYERSOHN: The ayes have it.

19 Moving on to Item Number 8, Internal Funds
20 Audits for Selected Schools.

21 Dr. Wanza, we're going to try to be brief on
22 this.

23 MR. JABOUIN: Thank you. Good morning.

24 Agenda Item Number 8 is the consolidated
25 report of audits of internal funds of 26 schools.

1 As previously discussed in some other committee
2 meetings, we've gone through the scope of the
3 work. In the previous two meetings there were
4 exceptions. With this audit there were no
5 exceptions amongst the 26 schools.

6 MR. MAYERSOHN: Any questions? Any comments?

7 (No response.)

8 MS. FERTIG: Move to transmit.

9 MR. MAYERSOHN: Do I have a second?

10 MR. MEDVIN: Second.

11 MR. MAYERSOHN: All those in favor signify by
12 saying aye.

13 COMMITTEE MEMBERS: Aye.

14 MR. MAYERSOHN: Anybody opposed?

15 (No response.)

16 MR. MAYERSOHN: The ayes have it.

17 Moving on to Property and Inventory of Select
18 Schools.

19 MR. JABOUIN: Good morning. Agenda Item
20 Number 9 is the standard property and inventory
21 audits of 19 departments. The audit was
22 performed by the property and inventory team.

23 The specific departments that were reviewed,
24 you can see them on pages 4 and 5. And there
25 were 725 items with a historical cost of

1 \$1,091,047 across the various departments. Those
2 included the departments of various cabinet
3 chiefs. There were no exceptions with respect to
4 the departments that were reviewed.

5 MR. MAYERSOHN: Do I have any discussion?

6 Yes, Ms. Dahl.

7 MS. DAHL: I just want to say that, and it's
8 very nice to see that there's no exceptions in
9 property and inventory because that one has been
10 a bane in our side for quite a while. So
11 congratulations to your department on the audit.

12 And I don't think you have much to do with
13 that, do you, Dr. Wanza?

14 DR. WANZA: I just want to say my department,
15 a couple that report to me are there and we're
16 good.

17 MS. DAHL: Okay. Good. So I certainly
18 applaud you as well because there's not anything
19 on property and inventory. Thank you.

20 MR. MAYERSOHN: Any other comments or
21 questions?

22 MR. JABOUIN: Yes, I just, one point to also
23 mention, Ms. Dahl, I do want to congratulate the
24 departments that did well. I do want to mention
25 that the district is looking at the inventory

1 process. As I look at exceptions in a bigger
2 scale, whether or not they happen or not, so we
3 do have a committee that consists of Dr. Wanza,
4 Dr. Fleming, Mr. Vinueza and Mr. Gorokhovskiy
5 that's looking at that process from beginning to
6 end because sometimes we do have findings and
7 sometimes we don't. I do want to congratulate
8 the departments that did well, but it's always
9 important to look to the process from beginning
10 to end, and we are doing that.

11 MR. MAYERSOHN: All right. So do I have any
12 -- any other further discussion?

13 (No response.)

14 MR. MAYERSOHN: Do I have a motion to
15 transmit?

16 MR. MEDVIN: So moved.

17 MR. MAYERSOHN: Motion by Mr. Medvin, second
18 by?

19 MS. FERTIG: Second.

20 MR. MAYERSOHN: Ms. Fertig.

21 Thank you, Dr. Wanza.

22 All those in favor signify by saying aye.

23 COMMITTEE MEMBERS: Aye.

24 MR. MAYERSOHN: Anybody opposed?

25 (No response.)

1 MR. MAYERSOHN: The ayes have it.

2 All right. Moving on to RSM, Item Number 10.

3 MR. JABOUIN: So Item Number 10 is the Review
4 that we asked RSM to perform on the Construction
5 Manager at Risk Contract Services.

6 They did review it. They had five comments.
7 Management has addressed four of the comments.
8 The second comment regarding liquidating damages,
9 staff has responded to. Ms. Coker will be around
10 to provide some additional information to that,
11 but we do have Mr. David Luker and Mr. Chris Gums
12 here to provide any information that is requested
13 by the committee with respect to the report.

14 MR. MAYERSOHN: Mr. Luker. I mean, I know
15 this is brief, but --

16 MR. LUKER: Yeah, I'm happy to have Chris do
17 a brief summary if that is what you guys would
18 like.

19 MR. GUMS: Thank you. So I'll just run
20 through this rather quickly. I know we're
21 pressed for time.

22 As Mr. Jabouin stated, we had five total
23 comments. I'll start with Item Number 1 and just
24 quickly provide a brief summary.

25 So this comment relates to the withholding of

1 construction retainage and the treatment of
2 retention. We noted that the language had been
3 partially updated from the previous version of
4 the agreement. However, there was still language
5 in there that was no longer applicable given the
6 recent changes in retainage laws. As noted in
7 management's response the language was
8 subsequently updated to more closely align with
9 the statutes.

10 Moving on to number 2 --

11 MR. MAYERSOHN: Does anybody have questions
12 on number 1?

13 (No response.)

14 MR. MAYERSOHN: All right. Number 2. Thank
15 you.

16 MR. GUMS: Our comment relates to liquidated
17 damages for time of completion. In our
18 experience most of the NTPs we've received in the
19 district, and that's notice to proceed, allow 30
20 days between substantial and final completion.
21 So really our main point was that, if the
22 standard was, in fact, set at 30 days and they
23 wished to enforce the terms in the NTP, we
24 recommended that number of days be reduced from
25 60 to 30. Management noted in their response

1 here that the standard is currently 60 days. And
2 we've seen in the data provided to us by the
3 PM/OR, AECOM that that closeout is actually
4 taking much longer than 60 days, so we have no
5 further comment.

6 MR. MAYERSOHN: Any questions on Item 2?

7 (No response.)

8 MR. MAYERSOHN: All right. 3.

9 MR. GUMS: Finally, the last three items on
10 the next page all relate to minor formatting or
11 reference errors, and, again, as management noted
12 in their response those items were subsequently
13 updated, so no further comments from RSM on that.

14 MR. MAYERSOHN: Any questions on 3, 4 or 5?

15 (No response.)

16 MR. MAYERSOHN: All right. Ms. Coker,
17 welcome. Do you have any comments on this?

18 MS. COKER: Good morning, sir. Mary Coker,
19 director of Procurement & Warehousing Services.

20 Thank you for the opportunity to possibly
21 elaborate a little bit more. We -- as we agree
22 with the auditors that 30 days is definitely
23 not -- has not been standard practice for several
24 years, and we recommended for it to be 60 days, I
25 understand that that is something that we

1 internally should review at this point because
2 each project is different, and, as you alluded to
3 and stated earlier, the project at the time of
4 closeout can take between 30 to 120 days and it's
5 not a one-size-fits-all. Although we would like
6 for them to be closed out within 30 days, there
7 are just specific factors, external factors that
8 don't allow us to do that. So though we
9 acknowledge that it wasn't done in 30 days, we
10 would like the opportunity to potentially request
11 that that number or that statement be changed to
12 read, you know, an ample amount of time,
13 timeframe, that would allow us to close out the
14 file correct. So I'm willing to entertain any
15 language recommendations or some other direction
16 as it relates to ensuring that we are compliant
17 with policy, we are compliant with closing out of
18 the projects, but the most important thing is
19 that we close them out effectively and
20 efficiently. So giving us a one box, 30 days, is
21 not necessarily the response.

22 Thank you.

23 MR. MAYERSOHN: So I guess my question is,
24 you're asking us for a recommendation?

25 MS. COKER: I'm asking for elaboration on the

1 opportunity for us to consider an option other
2 than 30 days flat out, where we may say normally
3 30 days, but on projects that have extensive work
4 can take up to 120 days or something to that
5 nature is basically what we're asking for
6 consideration.

7 MR. MAYERSOHN: Mr. Luker?

8 MR. LUKER: Sure. Thank you. I'd just like
9 to clarify, the observation as written states
10 that the liquidated damages article does not
11 basically allow for liquidated damages to be
12 applied until the project has reached that 60-day
13 mark. And our comment was that, in the notices
14 to proceed in many cases 30 days is the timeline
15 generally allotted to complete or close out the
16 project. And so we were just highlighting the
17 gap between what the notices to proceed typically
18 allow for in terms of closeout versus when
19 liquidated damages would start to be applied.

20 So I think our comment was that, if it's the
21 district's intent to not start charging
22 contractors liquidated damages until 60 days,
23 that's perfectly acceptable if that is your
24 decision. We just wanted to make sure that we
25 highlighted the discrepancy between the typical

1 NTP duration and what this contract language
2 states.

3 MR. MAYERSOHN: So, Ms. Coker, did you
4 understand that?

5 MS. COKER: Yes, sir.

6 MR. MAYERSOHN: Okay. So I guess, as you
7 said, all you're doing is reviewing it, you're
8 not making policy.

9 MR. LUKER: That's correct.

10 MR. MAYERSOHN: I guess I would turn to Mr.
11 Fleming and see if you're comfortable with that.
12 Dr. Lynch-Walsh?

13 DR. LYNCH-WALSH: This is really not a
14 procurement issue because they're not the experts
15 in what's a norm when it comes to construction,
16 they just have to enforce whatever is set. I
17 have a hard time believing that Procurement is
18 the one dictating 30 or 60 days.

19 But now that I'm looking at this, because I
20 have other concerns when it comes to CMAR, which
21 has to do with the GMP, which we've had robust
22 discussions about at FTF. So if they've been
23 running an average of 153 days, I would be asking
24 Atkins and AECOM, because, to their point, if it
25 says 30 and that's never been hit, then you need

1 to cross that right out of those things. Because
2 that doesn't make any sense. If 60 is an
3 industry standard, but we're not there yet, then
4 we have another problem. So are we closing in
5 on -- I almost know the answer to this question,
6 this is a question for AECOM or Atkins, are we
7 closing in on 60 days or anywhere close to that
8 between substantial and final?

9 MR. MAYERSOHN: Who wants to answer?

10 MS. LANGAN: I think, as Mr. Luker indicated,
11 we're talking about a conflict in the contract
12 between an NTP and the 60 days. So I don't think
13 we're -- I don't understand it as a disagreement
14 between 30 or 60. I think it's a conflict in the
15 document that we have to correct.

16 MR. MAYERSOHN: Correct.

17 MS. LANGAN: Having said that, 60 days is
18 even aggressive. We have now scheduled the
19 closeout in four or five phases moving all with
20 the financials. Just to get a 210, 110B and a
21 209 signed that has to go all the way to the
22 superintendent. That can take three to four
23 months. The building department signs off, then
24 the superintendent, so -- and then it goes to
25 financial. So there's a lot of steps that are

1 being taken. And if we can -- we've worked
2 towards getting to 60 days, that'd be great, but
3 you've got four or five departments that are
4 involved in trying to sign off officially for a
5 final closeout of the project.

6 So we agree with Mr. Luker that it's a
7 conflict in the documents. We should change the
8 NTP to the 60. We also say that, you know, our
9 goal and what is in our master schedule is 60
10 days to close.

11 MR. MAYERSOHN: Yes, Dr. Lynch-Walsh.

12 DR. LYNCH-WALSH: So if 60 is also not
13 necessarily realistic, what happens -- because
14 this contractor has limited control over some of
15 these other steps that have to happen, so what
16 happens if it exceeds 60 but it's not their, the
17 contractor's fault?

18 MS. LANGAN: As in any delay in the projects,
19 since we don't have -- there's no -- the
20 contractors don't get any financial gain from
21 contracts extending or construction extending,
22 they wait. So, you know, like for closeout or
23 retainage, we track it based on substantial
24 completion. We have a no damage for delay clause
25 in our contracts. So nothing really happens to

1 the contractor at all.

2 DR. LYNCH-WALSH: Okay. Thank you. I smell
3 an FTF discussion come next week.

4 MS. LANGAN: Happy to join that discussion.

5 MR. MAYERSOHN: So basically you guys agree
6 to change it to the 60 days at this point. The
7 other stuff is beyond the scope of this review.

8 MS. LANGAN: Yes, sir.

9 MR. MAYERSOHN: Okay. Yes, Ms. Fertig.

10 MS. COKER: If I may, Shari Francis, the
11 Manager for Construction Sourcingm just wanted to
12 add a comment to that, if possible.

13 MR. MAYERSOHN: Sure.

14 MS. FRANCIS: So while the 60 days would be
15 on our general CMAR projects going forward, the
16 item before us is a continuing contracted CMAR,
17 so what we've recommended is not having any days
18 in there and that would be assigned on a per
19 project basis. So I just wanted to make sure
20 that we understood the recommendation that staff
21 has presented back as a response to RSM for that
22 particular contract. While the 60 days would be
23 a change, because we are looking at the general
24 CMAR contract as well, these changes are going to
25 apply in there. As it relates to the CC-CMAR,

1 that would be assigned at the time of notice of
2 receipt on a per project basis.

3 MR. MAYERSOHN: So Ms. Fertig and then I'll
4 go back to Dr. Lynch-Walsh.

5 MS. FERTIG: On Number 1, when did the
6 Florida statute change?

7 MR. GUMS: I believe it was in effect in the
8 2024 statutes.

9 MS. FERTIG: Okay. And you're picking this
10 up now, but who's actually drafting and
11 administering the contracts?

12 MR. LUKER: This contract was drafted in 2014
13 or 2016, I think, was the last revision.

14 MS. FERTIG: Okay. I remember that
15 conversation well. I'm just wondering, are these
16 contracts that are being used with people and the
17 statute changes and no one's like picked this up
18 and made the change?

19 MR. LUKER: It would be my assumption that
20 the CMAR contract template that was valid as of
21 2016 is the CMAR contract that has been used in
22 the district to this point. This would be a new
23 agreement that would be utilized. And to my
24 knowledge I would have to defer to management.
25 I'm not sure if any of the CMAR agreements that

1 have been executed have incorporated any
2 retainage modifications to this point.

3 MS. FERTIG: Okay.

4 MS. LANGAN: Through the Chair, the CMAR
5 contracts that have been signed have all been
6 signed under the previous PM/OR. The contracts
7 that are preparing to be signed on two of our
8 CMAR projects are going to be the new ones as
9 edited.

10 MS. COKER: And this is Mary Coker, if I may
11 add, no, you are correct, Ms. Fertig. Those
12 contracts have not been updated. We haven't
13 necessarily had many CMARs. We are now going
14 back and I think this would be a great
15 opportunity to work with our legal department as
16 we are working on some of our templates for
17 updating them as part of our policy reviews to
18 include and change that language as well.

19 So, again, as Kathleen stated, the contracts
20 at hand, I believe, was from even prior to my
21 arrival.

22 MS. FERTIG: I think we, many of us who have
23 been on this committee remember when the contract
24 went through the board because our audit
25 committee actually made a recommendation against

1 what was happening, but -- so I guess my concern
2 is something not being updated two years after
3 the statute has been changed and I still haven't
4 heard an answer as to who the responsible person
5 for the contract is.

6 MR. MAYERSOHN: Mr. Fleming?

7 MS. FERTIG: And I'm not looking to point a
8 finger, I'm just trying to find what department
9 is responsible.

10 DR. FLEMING: Yeah, initially it was a
11 collaboration between legal and procurement to
12 take a look at that. So to that end, Ms. Fertig,
13 that will be addressed like Kathleen mentioned.

14 So one more comment by Shari right behind
15 you.

16 MS. FRANCIS: So I did want to mention that
17 we haven't used this contract since this change
18 has occurred. Just to be clear, we are
19 constantly in communication with legal on any
20 statute changes and anything that we need to do
21 and they also do advise us if there's something
22 we need to take to amendment to change the
23 contract. That was not the advice provided, so
24 going forward this contract is going to the board
25 in March to add new vendors to our pool with this

1 new language included.

2 So we have not gone against any statutes.
3 We've always been up to date on everything. Just
4 to kind of ease your mind on that. We are
5 constantly staying on top of that and we do work
6 with the Office of Capital Programs and our
7 program managers to make sure we're on top of any
8 adjustments that need to be made in the process
9 when that does apply. In this case, this is the
10 first time we've had an opportunity and needed to
11 adjust the language, so we're making sure we do
12 that.

13 MR. MAYERSOHN: Before -- let Mr. Luker
14 respond because I think you were going to respond
15 and then Dr. Lynch-Walsh.

16 MR. LUKER: Well, I was just going to state
17 that I think that in practice the contracts that
18 are currently being managed, even though they may
19 have the old retainage language in them, I think
20 it would be incumbent upon OSC and PM/OR to make
21 sure that the method for withholding retainage on
22 those projects, currently, because the contract
23 hasn't changed was still commensurate with the
24 new modified retainage statutes which limit
25 retainage to five percent and no longer require

1 the 50 percent reduction at 50 percent
2 completion.

3 So I think that's -- I think it's more of a
4 functional -- I think the contracts may need to
5 be amended, which is probably where you're going,
6 but I think administratively, if we have any
7 CMARs who are taking advantage and holding the 10
8 percent that was allowed under the prior guidance
9 that would need to be addressed and that would be
10 where we would maybe be in conflict with the
11 updated statute from a year and a half ago.

12 MR. MAYERSOHN: And do you have any opinion
13 on leaving the number of days, the length?

14 MR. LUKER: I am not an attorney. However,
15 if I was, I would think that the contractor may
16 have some heartburn agreeing to the district's
17 judgment on when it starts to apply liquidated
18 damages. I would think that they would want a
19 date, but maybe not.

20 MR. MAYERSOHN: Okay. Dr. Lynch-Walsh.

21 DR. LYNCH-WALSH: So just to clarify again,
22 so as a refresher, so the Continuing Contract
23 CMAR and the general CMAR are both contracts that
24 Procurement was revising and bringing through so
25 FTF saw them and RSM is providing another layer

1 of review and oversight, which is why they're
2 finding things like this, when you're writing the
3 language it's hard to check yourself, so you need
4 someone else looking at it, and so RSM typically
5 reviews any contract revisions. So this is a
6 continuing contract. We just had the general --
7 there's a CMAR project for -- oh, Rickards,
8 actually, where there was just a QSEC meeting, so
9 the new CMAR contract that was reviewed is going
10 to be used for that, but that hasn't happened
11 yet. So like they're saying, these are revisions
12 to the contract that are being reviewed, so
13 that's why the changes would be incorporated in
14 there because they haven't been used yet.

15 MS. COKER: And we're bringing those
16 contracts, just so you know, to the next school
17 board meeting, regular school board meeting on
18 March 15th. We're bringing a few items, a few
19 CMAR items with those updates and changes.

20 MS. FERTIG: And I would just have a concern
21 if we're relying on an outside auditor to catch
22 changes to a contract that really we have inside
23 legal counsel -- inside -- I mean, you know, is
24 our legal counsel working on this on a continuing
25 basis? And once we get the contract, if we make

1 a mistake, we don't really want to wait for an
2 auditor to pick it up. We want it done correctly
3 through our legal staff, if that's who's doing
4 it, which is what I was assuming, but maybe
5 you're doing it. I don't know. I just was
6 asking who's the person and I noticed at the last
7 meeting we had on the audit there were a lot of
8 numerical, and in this one there seems to be a
9 few other errors in numbering and so forth, and
10 I'm just thinking that there has to be a way to
11 catch those before you actually sign a contract
12 and we don't wait and find it out after the fact
13 through an outside auditor. Because they're not
14 going to be auditing everything. They're going
15 to be selectively auditing. So I just find that
16 troubling and I would like to know the
17 responsible thing where the person how is
18 drafting contracts on our behalf is making sure
19 that they are accurate and reflect current legal
20 standards.

21 MR. MAYERSOHN: Okay. I guess my question is
22 to Dr. Fleming, because you're, again, the
23 superintendent's representative, legislative
24 changes usually take effect for the most part
25 July 1st, at the end of the legislative session.

1 Every year somebody has to from the district
2 review those changes. It's surprising me that
3 even if a contract has been dormant or you're
4 currently not using it that those changes don't
5 happen -- you know, whatever changes exist July
6 1st, the district looks at whatever contracts,
7 policies, whatever those changes are and brings
8 them forward in one lump sum to the board and
9 says, here's the changes, we need to make these
10 changes, as opposed to waiting a year and a half.

11 So I don't know what the process is, but,
12 clearly, to me, the process has to be tightened
13 up. Because, although these contracts weren't
14 used, it could be that in that interim maybe they
15 were or maybe, you know, there's something else
16 that we haven't identified because it hasn't been
17 audited or something slipped through the cracks,
18 but those are important things to look at,
19 especially when you're looking at policies or
20 contracts.

21 Yes, Dr. Lynch-Walsh.

22 DR. LYNCH-WALSH: Maybe I'm not saying this
23 right. Let me try again.

24 This change, which everyone's pretty much
25 aware of, they have some CMAR and Continuing

1 CMARs, so this is a review process. There are
2 policies in this district that haven't been
3 touched since I was five years old. This is
4 something that is now relevant and they have
5 incorporated a change. If they miss the
6 language, which is the point of having a review,
7 this was not an audit, they were specifically
8 asked to review, you could also ask the
9 Facilities general counsel, who I think reviews
10 the contract as well, because Procurement is not
11 doing this in a vacuum, they are responsible for
12 the contract, but there are a lot of other
13 eyeballs on this contract, but Procurement is the
14 one writing the language.

15 And to my point, when you are the one writing
16 something, you need other eyeballs to check what
17 you have written. Anybody can make a mistake.

18 So, to your point, there is someone in the
19 Office of General Counsel who does handle
20 facilities related items, and should they have
21 caught this, probably, instead of RSM. But the
22 point is, it's caught now. They just had a
23 discussion at the school board meeting about
24 graduation speeches because there was a state
25 statute from 2019 and the policy hadn't been

1 revised since 2017, which is why it's incumbent
2 upon the superintendent to gather all the
3 policies and figure out what state statutes have
4 changed.

5 But I think we're spending a lot of time on a
6 problem that isn't really a problem. Because one
7 department I can tell you endeavors to really
8 bring everything up to date is Procurement,
9 specifically in the facilities, as it pertains to
10 facilities contracts. So, I get it, but they're
11 not our biggest problem.

12 In terms of concerns I have about CMAR is
13 that we still do just GMPs at 100 percent, which
14 is a function of the dysfunction of the district
15 where you can't really get it much sooner. And
16 on the Rickards project, that is one, because
17 it's a reuse where we're looking to save money
18 and they can better explain it in terms of how
19 they're phasing it, so that instead of there
20 being all the risk to the district there's some
21 risk taken by the contractor by the CMAR. That
22 is why we stopped doing CMAR in this district
23 because the district was taking on all the risks,
24 not because somebody forgot to put in something
25 that, to Mr. Luker's point, you wouldn't --

1 everyone knows this change exists, so even if it
2 says the old language everyone's going to expect
3 the state statute to apply. The bigger problem
4 is the district's assuming all the risk, not is a
5 comma missing or a period or, you know, someone
6 just made a scrivener's error. But that isn't
7 the discussion here. It is a discussion we had
8 at length as it pertained to Rickards and
9 everything else because we don't want to be
10 losing millions of dollars because there's no
11 risk to the contractor, but we had multiple
12 discussions where we can't -- it's just something
13 that we're going to have to live with. So --

14 MR. MAYERSOHN: Dr. Lynch-Walsh, and I think
15 to Ms. Fertig's point, it's discussing the
16 process of when a change happens how does it get
17 implemented. Am I correct?

18 MS. FERTIG: Yeah, I mean I --

19 MR. MAYERSOHN: So we're not arguing whether
20 or not there are 400,000 different policies in
21 the district, what's the process and who's
22 responsible? And I think that's what you were
23 alluding to.

24 MS. FERTIG: And if there's a legal contract
25 to be reviewed I would anticipate that would be

1 reviewed by our in-house counsel's office. And,
2 you know, I don't see this as a procurement
3 department thing, I see that that review should
4 be ongoing and on a regular basis, when a statute
5 changes, they check the contract to see if
6 there's anything out there.

7 Anybody can make a mistake. Our goal I think
8 is to make sure that we close the gap so that
9 they don't. I think that's the purpose of doing
10 these audits so we can make sure we have
11 processes in place so we don't make mistakes.
12 And there's a difference between a scrivener's
13 error or one paragraph being misnumbered and some
14 other things. And I just think it would behoove
15 us to know who's responsible for reviewing the
16 contract, how regularly are they doing it, who's
17 reviewing when the state statute changes and so
18 forth. And Mr. Fleming, I --

19 DR. FLEMING: So today I've heard you loud
20 and clear, and if you would allow, through Mr.
21 Jabouin, I'll provide or have legal provide what
22 that process looks like so this committee can
23 review that.

24 MR. MAYERSOHN: Okay. Is there any more
25 discussion on this item? The only thing that I

1 think is left open is leaving the liquidated
2 damages open or having it liquid within 60 days
3 and that's -- I mean, review has been presented,
4 that's a policy decision, so it's not -- unless
5 you want to opine on it, I mean, it's up to us,
6 but I would think that becomes more of a policy
7 issue.

8 But that being said, do I have a motion to
9 transmit?

10 MS. FERTIG: Yes, motion to transmit.

11 MR. MAYERSOHN: Motion by Ms. Fertig. Second
12 by? I hear Ms. Shaw. Do I have a second?

13 DR. LYNCH-WALSH: Second.

14 MS. SHAW: Second, Phyllis.

15 MR. MAYERSOHN: You're too late. You're too
16 late, Ms. Shaw, but thank you.

17 Second by Dr. Lynch-Walsh. All those in
18 favor signify by saying aye.

19 COMMITTEE MEMBERS: Aye.

20 MR. MAYERSOHN: Anybody opposed?

21 (No response.)

22 MR. MAYERSOHN: The ayes have it.

23 We're just rolling along here. Number 11.

24 MR. JABOUIN: Agenda Item Number 11 is the
25 RSM SMART Bond Review that they perform

1 quarterly. This specific report is a
2 continuation of the report that RSM presented at
3 the November 18th audit committee meeting and
4 then at the January 20th audit committee meeting
5 there were two observations that we didn't
6 include because there was still work being done
7 on them. They have been consolidated into one
8 observation, which is what you have on page 5.

9 So we do have the finding by RSM and the
10 responses from AECOM as well as OCP as well and
11 we have Mr. Luker and Ms. Langan and Mr. Bays
12 here to comment on any of the audit committee's
13 questions.

14 MR. MAYERSOHN: Mr. Luker?

15 MR. LUKER: Thank you. As Joris mentioned,
16 this is work that was actually embarked upon in
17 early 2021 and it pertains specifically to the
18 re-baselining of the program schedule performed
19 by AECOM as a part of their transition. RSM
20 obtained an independent version of the schedule
21 directly from Atkins and we conducted an analysis
22 to compare the new re-baselined schedule to the
23 former schedule produced by CBRE-Heery. That
24 analysis was used to develop a sample of 10
25 projects for further inspection. We submitted

1 those 10 projects to AECOM and requested that
2 they provide us with the supporting documentation
3 for the modification to those 10 project
4 schedules.

5 I was going over the overview on the first
6 page, I'll go ahead and skip to the actual
7 observation and supported trend calculations on
8 page 4. So our analysis also included interviews
9 with the PM/OR, the CPCM as well as members of
10 OFC in an attempt to better understand how the
11 re-baselining process was actually performed. In
12 response to our request for the 10 sample items
13 AECOM produced Exhibit A to this report entitled
14 Response to RSM Observations Regarding Ten
15 Project Schedule Audits. That file included
16 description and snippets of those project
17 schedules but did not include any of the original
18 files or original reports that would have been
19 generated during the re-baselining process in
20 October, November and December of 2020.

21 So this finding is written not to say that
22 the schedule -- the re-baseline is -- was
23 inaccurate, the finding is written because we
24 requested supporting documents from that time
25 period, October through December 2020, to aid us

1 in understanding how the schedule was modified.
2 And the information that was produced to us was
3 all produced after that date. So the Exhibit A,
4 Response to RSM Observations document was
5 produced in June of '21 and then the spreadsheets
6 that are also included as an attachment to that
7 report were produced to us in November of 2021.
8 And so still as we stand here today having
9 presented this or attempted to present this
10 finding and then had it pushed back a couple of
11 times, we still have not seen any actual source
12 documents, reports or analyses that were
13 generated during the time period of the
14 re-baselining and that is the nature of this
15 finding.

16 And the finding goes on to state in the
17 second phase of it, we have this chart that shows
18 a couple of the projects that were included in
19 our sample. And this chart reflects the change
20 in those project schedules and how much more time
21 was added to the projects and how the trend days
22 that AECOM applied to the schedule relate to
23 that.

24 And part of our analysis was to take projects
25 and to go and obtain the actual construction

1 schedules produced by the contractors and compare
2 those to the newly re-baselined schedules and in
3 these three instances, just three examples of our
4 10 examples, which are really a part of the 240
5 project population, it was interesting to us that
6 construction contractors would have agreed to
7 complete these projects two years, one year
8 before the new re-baseline schedule actually had
9 them being completed.

10 So we provide that information in the
11 observation as some context to drive this risk
12 that we believe existed and as a result of the
13 lack of the supporting documentation being
14 provided, and that's that there was the potential
15 that maybe some of these projects had their
16 schedule extended and maybe they were not
17 accurate.

18 So we recommended that OFC work with Atkins
19 to perform an analysis because we believe that
20 they understand the project schedules better than
21 RSM, an auditor, ever could. We only looked at
22 10 projects and there's a substantial number of
23 other projects that were not subject to our
24 procedures. And so we wanted management to
25 provide their comments as to whether or not they

1 felt like there were candidates that could
2 potentially have inaccurate baseline schedules as
3 a result of these trends that had been applied.

4 In management's response it's clear that they
5 conducted an analysis of projects that had been
6 closed and they felt like, based on the results
7 of that analysis, the trend days were -- I won't
8 say accurate, but they were equally inaccurate as
9 they were accurate, and so OFC's position is that
10 the trending was appropriate and that they do not
11 have any recommended modifications to existing
12 project schedules.

13 So I really see this as an observation of
14 lack of supporting documentation, which is a
15 common audit observation, and management has
16 confirmed through their procedures that they feel
17 comfortable with this. So I would see this as a
18 closed observation, dead on arrival, I guess you
19 could say. But it took us a long time to get
20 here and we appreciate everybody's cooperation in
21 this process and, you know, I'm happy to answer
22 any questions about the analysis that we
23 performed.

24 And, obviously, I don't want to put words in
25 OFC or AECOM's mouth, so I'm happy for them to

1 comment as well.

2 MR. MAYERSOHN: Do you guys want to comment
3 before we ask questions? No?

4 MS. LANGAN: I think our management response
5 is our comments.

6 MR. MAYERSOHN: Okay. All right.

7 Any questions? Dr. Lynch-Walsh.

8 DR. LYNCH-WALSH: Possibly less question,
9 more comment.

10 So before the re-baselining was done or
11 around the time AECOM came on you guys may
12 remember seeing my scatter graphs where I got
13 from Atkins a slippage report for the prior
14 re-baselining from December 2018 through June
15 2020 just to see whether projects were slipping.
16 Because we would keep asking and it would seem
17 that they were.

18 So when I crunched the numbers, the majority,
19 and I can hand this around, I think RSM's seen
20 this before, but the majority of projects,
21 everything below the line are projects and by how
22 much they slipped. We had a couple of projects
23 that slipped to almost 800 days. And these are
24 all the projects. So I actually looked up, for
25 example, Park or Pines -- is it Pines Lakes

1 Elementary? That has slipped 300 days by June
2 2020.

3 So, as I was saying back then, either those
4 schedules were never realistic, the people in
5 charge of the program didn't know how to run the
6 program, or, C, both A and B were true.

7 So it was no surprise to me, if you just
8 randomly tacked on six months, two years to any
9 schedule you couldn't go too far wrong because,
10 this. So first you have to either keep going
11 with the nonsensical schedule or admit that
12 everything's behind schedule for one reason or
13 another.

14 MR. MAYERSOHN: So when -- this is starting
15 from when, the original bond?

16 DR. LYNCH-WALSH: Well, when they
17 re-baselined in 2018. Or, for God's sake, if we
18 went from the original dates that were promised
19 we would be five years behind schedule on some
20 schools.

21 MR. MAYERSOHN: Okay. The other thing -- and
22 I don't mean to interrupt you, but do we need to
23 include this (indicating) as part of our minutes
24 or as part of the --

25 MR. JABOUIN: Yes, I will include that as an

1 attachment. So when the agenda is put online
2 later on, this document will be an additional
3 document.

4 MR. MAYERSOHN: I just want to make sure it's
5 included.

6 DR. LYNCH-WALSH: And I'm happy to provide
7 the source document as well.

8 But anyway, so my point being, that when --
9 when AECOM re-baselined and then there were other
10 things at play -- the reasons for delays have
11 evolved since 2014. First it was let's rush
12 to -- well, first it starts with we didn't ask
13 for enough money. Then you put out projects and
14 shove them out into the atmosphere. I mean
15 Procurement was meeting -- nothing happened for
16 about the first year and a half and then
17 everything happened. No well-defined scopes.
18 They never looked at -- and we know from the
19 roofing audit, we're putting 30-year roofs on
20 buildings that can't even hold them up. I give
21 you Rickards. And many other buildings. So
22 there was no discussion, no analysis. So then
23 people were doing things that -- front-end work
24 in the middle of the project, at the end, and
25 then everyone was going with these 2023 dates

1 which were not realistic. So then they had to
2 come along and look at where things were.

3 Because you may have had something that was
4 slated to be done later but was blowing up and
5 then had to be done sooner.

6 So I just had people asking about their
7 school, and I realized that across the district
8 what needs to be explained to people is, if
9 they're looking at the old schedule, they need to
10 understand that things were falling behind from
11 day one.

12 So the page -- and I mentioned to Mr. Luker
13 that I think they buried the lead, because on
14 page 8, because I was reading this sort of
15 fuming, which is why I got this out (indicating),
16 but on page 8 it looks like with OCP they looked
17 at 36 completed projects, 25 percent -- and these
18 were only 36 projects, but 25 percent completed
19 on time or early, I'm gonna guess where some of
20 those were, 25 percent trends added which were
21 not large enough, which means that they were
22 behind, trends were not added 44 percent and
23 projects finished late, hence more of this, and
24 then 6 percent trends were added which were
25 approximately correct.

1 So basically we have 69 percent where you've
2 added trend and they were even further behind or
3 they weren't added and the projects still
4 finished late, which means that you have the
5 majority of the projects where the schedules --
6 the original schedule didn't make any sense.

7 So it sounds as though from the conclusion
8 here on page 9 that everybody is now on the same
9 page and we can finally stop having AECOM have to
10 defend left, right and center adding on to these
11 schedules. Because, understand, that there are
12 board members who desperately want 2023 to be a
13 real end date for these project, but it's just
14 not realistic because the thing was set up to
15 fail at the front end. And it's not -- you can't
16 have this second program manager held accountable
17 for what was happening and nobody was jumping up
18 and down when all of this was happening. I
19 didn't hear board members, I didn't hear any
20 audits about these schedules.

21 So what was happening, because we would get
22 the reports on a monthly basis and you would have
23 substantial completion dates still on the
24 schedule that were from three, six months ago,
25 because Heery wasn't updating when things were

1 actually getting completed or when something had
2 slipped.

3 So there was a lot of sort of laissez-faire
4 program management going on and now we're having
5 come to Jesus moments about all of them, but this
6 is not the biggest problem.

7 So I'm glad that we're now all on the same
8 page and I hope that's the end of hearing about
9 asking the Council of Great City Schools to come
10 in and evaluate how the program management is
11 being done and this, that and the other, because
12 OCP should be helping facilitate salvaging the
13 projects that actually need to be done. We have
14 projects that don't have funding. The Atkins
15 risk assessment, very conservatively, there's 26
16 million as of December in projects for which they
17 have estimates that haven't changed much and that
18 are pretty accurate, but they haven't come to the
19 board for award yet, so the board still has them
20 on the books as a 2014 project estimate, which is
21 dangerous as the board reserves shrink every day
22 and now they're going to do the next DEFP, and if
23 they don't address it in that one they're going
24 to be spending money they don't have and those
25 projects that haven't been awarded yet are in

1 danger of not being fully funded.

2 Those are the real problems, not looking for
3 reasons to justify project schedules and trying
4 to move them up.

5 It's an election year. I get it. But that's
6 not AECOM's problem. That's not any of our
7 problem either. They're going to have to live
8 with setting this thing up to fail and this is a
9 salvage operation at this point. There's no
10 fixing the bond program. There's no magic
11 answer. You just have to battle through, stop
12 putting 30-year roofs on buildings that you have
13 to then demolish. That was the plan -- Parkway
14 got 4 million from the bond. They need 37 to 40
15 to replace buildings that were supposed to be
16 replaced pre-recession. Bethune Elementary in
17 Hollywood, same problem. Bennett, same problem.
18 And Stranahan, don't get me started because then
19 I'll start talking about the CCC and violating
20 that.

21 So I'm glad that it would seem that OCP is
22 finally on the same page with AECOM and Atkins
23 and we're having a kumbaya moment and we can stop
24 nit-picking and move forward with OCP supporting
25 and facilitating, because we have all these

1 construction managers that are supposed to be
2 helping move things through the processes that
3 are holding up progress.

4 Yes, I'm a little riled up about this because
5 I've had to live with it since before the bond.

6 MR. MAYERSOHN: Anybody else?

7 MS. FERTIG: Well, if you think you've had to
8 live with it, how do you think those kids at
9 Northeast feel? The facilities department bid
10 out a roof in 2013 where they took away their
11 funding, where they stopped -- where it was then
12 declared an emergency to have a roof where those
13 roofs, if you walk over there today are still
14 being worked on.

15 I'm sorry. At some point we can't just say,
16 well, this is how long it takes. It takes 10
17 years. So that we make the school that we used
18 as the poster child for this bond receiving roofs
19 put on every single TV station in the county, in
20 the tri-county area, every one of them saw that
21 leaking roof and it's still not fixed.

22 So I'm looking at this and I would like to
23 see some records kept of everything. Of every
24 decision you make, I would like to see it
25 substantiated.

1 And I may just be an average person sitting
2 in the community who doesn't know anything, but
3 you know what, I would like to hear a
4 justification for why these things happened. And
5 I don't know how -- we trend it out, we can do
6 whatever you all want to do, but I would like to
7 see some paperwork to substantiate anything.

8 So I don't think that's a minor finding when
9 you find, and I appreciate everything you do, I
10 don't think that's a minor finding. I think
11 that's an important finding to know that we are
12 seeing these reports come forward without the
13 paperwork behind them. And I know -- I know that
14 can happen. I just would like to hear -- I would
15 like to give you a chance to tell us how that
16 happened.

17 MS. LANGAN: I think the difference is is
18 that we sat for six weeks trending based on this
19 district and how -- what the business practice
20 is, if you will, of this district, how that
21 drives the schedules in this district on
22 projects.

23 We have right now probably 145 projects under
24 construction. We moved -- and this isn't
25 answering your question yet but I'd like to get

1 it on the record, that our schedule, we have
2 moved 19 projects ahead of schedule. We have
3 developed a roof carve-out program to address the
4 exact situation that you're talking about. We
5 have had buildings that have been going since
6 2014 with roofs that haven't been addressed.
7 Case in point is Deerfield Beach Middle School,
8 where I visited that site based on a phone call
9 from the principal and the media center where
10 people were housed and kids were in was failing
11 because the roof was caving in, so we immediately
12 got them out of there and we immediately put
13 together a roof carve-out program to move ahead
14 on those roofs. So we do that frequently. If
15 there's a roofing problem we move in and we will
16 carve that out.

17 A problem that we're having is the fact that
18 we've lost two more roofers due to the fact that
19 they don't want to work in this district, for a
20 lot of reasons. So I'll just say that. But
21 getting to your point --

22 MS. FERTIG: I'd like to stop there. I just
23 think what you said was really important. So now
24 we're getting to why your trend dates are
25 increasing; okay? And, listen, if it's because

1 of the district's business practices, that's
2 something that should be addressed.

3 MS. LANGAN: It is. I totally agree with
4 you. But think about when we came on, we came in
5 say September 1st of '20 and we started
6 immediately working on all of our deliverables
7 that were due within the first 90 days. We then
8 looked at the schedule that CBRE-Heery had and we
9 -- first of all, just to use that as a baseline
10 tells us as professionals that people didn't
11 understand this program or this schedule, because
12 there's no way you could compare what was going
13 on then to what we're doing now.

14 So what we did was, we had, say, 15 people --
15 we are not accountants. We are not accountants.
16 We are construction managers, program managers
17 and builders. So we looked at the trends of what
18 was happening on this program, the business
19 practices of the district, and we looked at that
20 and said, okay, we have methodologies, it's just
21 not the methodologies that RSM would do; right?
22 We have our reports. This was a group of people
23 trying to get done for the state of the program
24 by December to have a schedule that we could
25 present to the school board, which we did. The

1 school board had concerns that it was going out
2 too far, we went back and for another two months
3 restudied it and came back and we were able to
4 save about six months of time by moving some
5 projects around.

6 So this is -- this is nothing that happens
7 with paperwork. We don't have one plus one
8 equals two calculations. We have explained the
9 process that we went through. After the fact,
10 well, I wasn't taking notes while we were doing
11 it. We were up on the board, we had people, we
12 had our project managers, we had construction
13 people, all talking about what we had to do and
14 how long it was going to take to do it.

15 So the concept that we don't have paperwork
16 is not accurate. We don't have the paperwork
17 that an auditor, that they would want. It's all
18 here. Everything is here. We explain how we did
19 it, we organized the projects by size. When we
20 looked at trends for change orders we -- it's all
21 here. And that's why I said our response is very
22 complete and very comprehensive.

23 So I -- you know, this is an ongoing piece of
24 work. You don't just make a schedule and, boom,
25 that's it. You have a baseline, which we have .

1 Any time anybody wanted to know what our original
2 schedule was when we baselined we have it, what
3 was going on in 2018 and what we did. But every
4 month we're studying this and every month, if the
5 project is moving forward and it's on track to
6 finish, we deduct trend. It's a process. It's
7 not a here and now.

8 So the paperwork is here. If you are -- if
9 you would like to come in and we can sit down and
10 review it with our scheduler. We work with Sam
11 and his team to go through the schedule. I mean,
12 I don't know what else we can explain. We are
13 the professionals that were hired to do this and
14 be realistic and tell you transparently what is
15 going on in your program. And we do that
16 monthly. We tell you what's behind, what's been
17 moved up. As long as our end date doesn't
18 change, that's our focus. So we're trying to
19 constantly, you know, improve, get schedules
20 done. We brought swing space on. We have some
21 heck of a projects coming up, big projects, total
22 HVAC replacement. When you talk about a trend,
23 wrong, right, that's inaccurate in our way of
24 thinking, because you're making assumptions,
25 you're forecasting; right? Well, if you come

1 onto a renovation project and it's a 4 million or
2 \$3 million HVAC job, look what happened at
3 Ramblewood. I mean, these are serious things
4 that we're dealing with all the time, constantly
5 looking at. If we bring trailers in to house
6 kids rather than having what happened at
7 Ramblewood, that's been unbelievable to those
8 kids, if we bring trailers in, Margate middle
9 school, we can save 400 days by bringing in swing
10 space onto that site and we can show where we can
11 save money. These things are constantly being
12 done. The roof program, working at night on
13 roofs, torching at night, we've brought in all
14 these concepts to help ourselves and do better on
15 the schedule.

16 MS. FERTIG: And I think that's -- can I
17 respond, Mr. Mayersohn?

18 MR. MAYERSOHN: Yes, you may.

19 MS. FERTIG: I think that's great. I'm glad
20 you're laying some of this out, and particularly
21 the business practices of the district, which I
22 would just like to say, if that's the one thing
23 we've come out with today that someone could
24 follow up on, then that justifies this whole
25 audit.

1 But, you know, and this is not your problem,
2 but I sat here and I listened to CBRE-Heery say
3 the same things and I've listened to a whole
4 bunch of people in this district talk about how
5 they're trying to -- and the final analysis, the
6 final analysis, I think we have to do everything
7 we can, and I know you are, because I just heard
8 you give a very passionate speech, to make these
9 projects come in faster. And I would just like
10 to go beyond these trends and say, why, why is
11 this happening? And, by the way, don't tell us
12 about it because Dr. Lynch-Walsh, Rebecca Dahl,
13 we sat here every day, every week for weeks when
14 they were planning this bond, and we told them,
15 when you get into the walls of these schools,
16 this is what you're gonna find. And by the way,
17 some of the people in your facilities department,
18 and Mr. Bays I know you know this, so I'll just
19 say it for you and save some time, yeah, we sat
20 with them and said, when you get into the walls
21 of the cafeteria of Stranahan this is what you're
22 gonna find, you know what, they didn't believe
23 us, they didn't put it on the schedule. Go to
24 the minutes of the project charter meeting, go to
25 all these other things where you had community

1 based people saying this. I mean, I'm talking
2 about things in the eastern part of Broward, but
3 you can go to any part of Broward County and find
4 out that you had local advocates trying to tell
5 you the same thing. Now we're sitting here all
6 these years later and we're looking at trends
7 that's going to take us out years and years and
8 years and we're gonna run out of money and who's
9 going to want to trust the school board to give
10 more money? I've been doing this, I've been
11 doing facilities stuff since 1987 and I saw
12 people give money in '86 but they sure didn't
13 want to give it again in '95; did they? No
14 because they saw what was happening. And I think
15 we have to do everything we can to make these
16 trends better. And if you can identify something
17 else besides business practices I suggest we
18 identify it and get on it like yesterday.

19 And when you tell me two roofers don't want
20 to work with this district, well, that's not a
21 surprise. But I'm not going to say here, because
22 we have a court reporter, so, Mr. Jabouin, I'll
23 spare you saying why I think that some people
24 don't want to work for this district, but I
25 just -- I think we have to have the backup

1 paperwork and I also think we have to identify
2 and go beyond what those trends are and identify
3 why it's happening.

4 MR. MAYERSOHN: Just before you guys respond,
5 Dr. Walsh. And let's just keep in mind the
6 timeframe so --

7 DR. LYNCH-WALSH: We're doing really well.
8 It's 12:30, actually.

9 MR. MAYERSOHN: I know. I just want to --

10 DR. LYNCH-WALSH: So, again, there are
11 processes that are still manual that should have
12 been addressed at the front end. So the building
13 department, they are using a software program
14 that's archaic that I think they don't even have
15 support for. So there are a lot of -- it's not
16 just business practices.

17 Hear me when I say there was no planning. As
18 we sat there in 2014 in the summer, that should
19 have been, let's take the needs assessment
20 results, which I have a public records request in
21 for the final report from Jacobs, it doesn't seem
22 to exist and nobody wants to admit it doesn't
23 exist. There was an initial report when they
24 were at 40 percent done with the needs assessment
25 and that came in May, which I even sent to

1 people, like, hey, this is kind of what you're
2 looking for, they took the needs assessment
3 results and pushed them into the DEFP, did not
4 analyze anything. So there is a level of botched
5 planning that there's no recovery from that. But
6 then you compound it by having poorly designed
7 processes, archaic processes, like paying
8 vendors. There's so many steps and people
9 involved in the accounts payable process it would
10 make your head spin, and, yeah, a lot of paper,
11 which should have been addressed when we started
12 talking about Maximo, that should have handled
13 some of that, but there was never a sit-down
14 about, okay, what do we have that limits our
15 ability to push out this degree of work? The
16 building department is still largely paper based
17 and didn't have enough people in it. They didn't
18 ever address the building department. If you
19 look at Heery's agreement with the district and
20 search for the word building department, I think
21 it might appear once. They never looked at how
22 the building department fit into this process
23 until they slammed right up against the wall.
24 And that's a recipe for disaster.

25 So there are things that they're dealing

1 with, they can only fix so many of them, because
2 these are constraints that are deeply rooted, you
3 can't change them overnight, you can't fire
4 everybody and think you're gonna fix it
5 overnight, you can't automate the process
6 overnight. We can't even get things through CORP
7 in a reasonable amount of time. Hopefully, that
8 will change. But that's like one holdup. But
9 then you know when the board approves things you
10 work backwards from it.

11 So there's no one simple answer. It is a
12 complete failure, this bond program. And AECOM
13 has to keep addressing projects that weren't even
14 in the bond because they never made it into the
15 needs assessment. Imagine that you do the budget
16 for Parkway and pretend not to notice all of
17 these buildings that are now slated for
18 demolition and replacement. Stranahan's
19 cafeteria, the architect, which that's another
20 thing, at the front end the architectural review
21 that was done, which there was an RSM audit to
22 speak to that, provided at no added value because
23 the reviews were being done in Atlanta by people
24 that didn't know the codes. So while they added
25 time to the schedule they didn't add any value.

1 So they're being held with their feet to the fire
2 to try to speed up the completion of projects
3 that have had, if there's nine ways to screw up a
4 project timeline or 10 the district found nine
5 ways to mess it up not excluding the front. And
6 then you compound it with the market bouncing
7 back and now the pandemic and supply chain delays
8 which does create problems, trying to get HVAC
9 parts is a problem, and HVAC is a huge part of
10 the program, so I don't know if I need to write a
11 white paper to explain this --

12 MS. FERTIG: I really don't think -- I think
13 many of us have actually lived this. Many of us
14 sat there in 2014. Many of us have gone to every
15 DEFP hearing. Many of us have -- and I did go to
16 several project charter committee meetings, so,
17 yeah.

18 DR. LYNCH-WALSH: And those were Heery
19 people.

20 MR. MAYERSOHN: One at a time.

21 MS. FERTIG: What I'm trying to say is, I'm
22 tired of hearing blame. I mean, I personally
23 feel it was a mistake to disband the facilities
24 department and everybody here knows I feel that
25 way. I feel that what happened in 2013 we are

1 living with today.

2 But I've also heard Derek Messier, he was
3 going to be the savior, all this planning did
4 take place. Now, what I'm saying to you because
5 you're the latest person to sit here and say this
6 planning has taken place, we could go through
7 every one of these people, we could go through
8 the Heery people. We had an audit on the
9 building department, on the software. We've had
10 audits on all these things showing that we're
11 using paper instead of technology that's
12 available to us, and my question is, when are we
13 going to implement the things that we know are
14 wrong? When are we fixing our business
15 practices? When are we fixing -- when are we
16 making those conversions to the technology that's
17 available but not done that we hear about in
18 audit after audit? When is that gonna happen?
19 And I think that will have a direct impact on how
20 long it takes to get our projects done.

21 And I guess my final question to you, if we
22 were to do the things that we've been told we
23 should do, would that make a difference?

24 MR. MAYERSOHN: Go ahead.

25 MS. LANGAN: Through the Chair, I'm not even

1 sure how to respond to that. When we have
2 identified all of the challenges that we all have
3 and it's not just the business practices, it's
4 the market conditions that we're up against, it's
5 the lack of bidders we're getting. I mean, Shari
6 could comment on this, but we're not getting the
7 bidders that, you know, we would like to have
8 because the market is saturated. Think about
9 ESSER. Think about how we're going to get ESSER
10 done. ESSER III, with \$90 million in three years
11 to fix all of the HVAC problems.

12 I mean, again, most of this that you're
13 looking for is documented in our response through
14 the documents that we sent to RSM. Are they a
15 mathematical equation response? They are not.
16 But we are happy to sit down and show you
17 documented reasons why the trends are there.

18 Again, these are forecasts that we watch very
19 closely. I think, you know, one of the
20 differences between maybe us and CBRE -- I'm not
21 blaming anybody because it doesn't do us any
22 good. I don't want to sit here and pick the
23 building department or pick, you know, the fact
24 that we don't have the e-Builder, all these
25 things we're working on. Have they taken longer

1 than we want? Absolutely, they have. I don't
2 know how much faster or harder I whip the people
3 that work for me. But all of the answers are
4 here and I'm happy to sit down and share with you
5 exactly what we looked at and exactly what we
6 did.

7 Our recommendations since December of last
8 year and February, we have met with the board,
9 we've looked at different things, we've looked at
10 change orders. The change order process is
11 really what it is. I don't even want to blame
12 anything that relates to the board. Because, as
13 the board has told us, they will meet as often as
14 we want them to meet to approve change orders.
15 So it's not them. The building department, I
16 just met with the building department this
17 morning to talk with the chief building official
18 on how we can control the change orders that are
19 coming out of inspections. They are tremendous.
20 And we have to stop. We have to look at it more
21 strategically instead of just sign-o-matic with
22 change orders.

23 So, believe me, we do things every day and we
24 think we're very transparent with the district
25 the way we report. You guys know exactly what's

1 happening on every job every day and what we're
2 doing to try to improve every job every day.

3 So I just want to let you know it's here and
4 if there's anything else that you would like to
5 look at or ask me about, I'm here.

6 MR. DE MEO: Through the Chair?

7 MR. MAYERSOHN: Yes.

8 MR. DE MEO: Okay.

9 MS. SHAW: Mr. Chair?

10 MR. MAYERSOHN: One minute, Ms. Shaw, Mr. De
11 Meo and then you can chime in.

12 MR. DE MEO: I would like Mr. Luker and Joris
13 perhaps to get together and figure out what the
14 documentation should be --

15 MR. MAYERSOHN: Is your microphone on?

16 MR. DE MEO: Oh, sorry. What the
17 documentation should be for the creation of these
18 baselines. As I read this report, the reason
19 these baselines were subjected to the auditing
20 procedures was because they seem to be
21 inaccurate. I don't know how a forecast can be
22 inaccurate. But it can be within norms. And I
23 don't know what those norms are. I don't know
24 what the best practices are. But perhaps Mr.
25 Luker and Joris, you can meet with these people

1 to figure out what the documentation should be
2 and determine if there is further auditing that
3 should be done to evaluate these baselines and
4 these re-baselining trends.

5 I'd like to see in a report like this, what
6 are the norms? What does the industry show? I
7 mean, especially in construction, there's -- it's
8 notorious for, you know, going over the
9 commitment date for the end of the project.

10 I also want to say, this district is
11 fortunate to have committee members who serve in
12 other capacities for the district that are on top
13 of this. Really, it's -- we are very fortunate.

14 That's all I've got to say.

15 MR. MAYERSOHN: Go ahead, Ms. Shaw?

16 MS. SHAW: Good afternoon everyone, Phyllis
17 Shaw. Obviously we have an issue and it's an
18 issue that has continued. And, you know, one of
19 the things we learn as leaders, regardless of
20 what field we are in is, change your thinking,
21 change your thought process and we change our
22 outcome. We no longer have the department that
23 could maintain and control everything that's
24 going on, and everyone is saying, well, I'm doing
25 my job. But the problem is, have you taken a

1 step back and looked, how well is my job working,
2 because if there are -- if we're still having
3 constant issues, that means the job is not being
4 done or the job that you're doing is not working.
5 And I think, Mary, we keep talking about the same
6 thing and we're not making any progress and we
7 keep going through the same process over and over
8 and over again. And so I don't want to know what
9 we have done, I want to know what we're going to
10 do to fix this going forward. And maybe it's not
11 an answer today, maybe it's let's get together
12 with my team and other aspects of other team
13 members and pull from other areas of the district
14 and figure out how can we not continue to go
15 through the same thing? It's costing us money,
16 our children are suffering, our community is
17 suffering. But let's figure out how do we move
18 from where we are so we can change the dialogue,
19 so we can change the conversation. Because it's
20 the same conversation that we're having and if we
21 continue we're going to be here until 4:00 and
22 we'll have no resolve. So let's -- and that's
23 what I want to know. What are we going to do
24 moving forward? Not what one person is doing and
25 the next person is doing. I want to know the

1 whole. It's the whole that I want. Because
2 that's the only way to know that change is coming
3 and everybody is thinking together, you know, not
4 piece by piece.

5 Thank you, Mr. Chair.

6 MR. MAYERSOHN: You're welcome.

7 Mr. Jabouin?

8 MR. JABOUIN: Thank you. I just wanted to
9 say very quickly, the auditors are looking for
10 information that supports statements that were
11 made. So when it comes to the trends they wanted
12 to go ahead and meet and behind the wording an
13 understanding of how it was calculated. If there
14 was information that they found that was
15 different, they want to know how it was
16 incorporated into the calculations.

17 Now, as the report was coming together I did
18 meet with Ms. Langan and Mr. Luker and I think
19 that now there's an understanding of how that
20 would work out going forward. I think we gained
21 an understanding on some of the challenges that
22 AECOM was experiencing. It does make sense that
23 they were under a lot of pressure to be able to
24 get the work done timely. And since they don't
25 know -- lay people do not necessarily know the

1 documentation standards that people in the
2 profession do, we can understand that they were
3 done very quickly. But I think going forward we
4 should make sure that it is extremely clear as to
5 what documentation is expected on this report as
6 well as future reports.

7 MR. MAYERSOHN: Any other comments?

8 (No response.)

9 MR. MAYERSOHN: Seeing none, do we have a
10 motion to transmit, which is probably a Mary
11 Fertig motion?

12 MR. JABOUIN: Yeah, I have a motion to
13 transmit. I don't want to lose what either Mr.
14 De Meo said or what Ms. Shaw just said. I think
15 coming up with --

16 MS. SHAW: Phyllis Shaw, second the motion to
17 transmit.

18 MR. MAYERSOHN: Okay. When we're ready.

19 Go ahead.

20 MS. FERTIG: I think they both just said some
21 great things. What are norms and what --
22 Phyllis, you spoke beautifully. We don't know
23 what we -- you know, what the past is, but what
24 the future's going to be, I don't want to lose
25 those thoughts because I think they're really

1 important. And if that came out of this audit,
2 then that was worth everything you did.

3 And so I move to transmit and can we move to
4 transmit with that -- with that suggestion from
5 Mr. De Meo to find out what the norms are?

6 MR. MAYERSOHN: You can make a motion to do
7 anything you want.

8 MR. BARNES: Mr. Chair?

9 MR. MAYERSOHN: Yes, Mr. Barnes.

10 MR. BARNES: When we come back for the next
11 report include a glossary of terms. You know, I
12 see, you know, a lot of shortcuts and some of
13 them I know and some of them I don't. So if we
14 could just have a glossary of terms of what some
15 of these numbers stand for -- not numbers but
16 lettering, three letters here, two letters, four,
17 it would be very helpful.

18 MR. MAYERSOHN: We can do it outside this --
19 I mean, Mr. Jabouin, you can just do that, so
20 this way --

21 MR. JABOUIN: Yes. Right.

22 MR. MAYERSOHN: So, Ms. Fertig, you were
23 going to make a motion to transmit with a --

24 MS. FERTIG: Yeah, I was going to move to
25 transmit with a suggestion that the district

1 determine what the norms would be for these
2 trends in the industry. Does that reflect it,
3 Mr. De Meo?

4 MR. DE MEO: Yes.

5 MR. MAYERSOHN: Do I have a second?

6 MS. SHAW: Phyllis Shaw, so second.

7 MR. MAYERSOHN: Okay.

8 MR. JABOUIN: So I just want to confirm, the
9 wording is that the district determines what the
10 norm and trends are for the industry. Okay.

11 MR. MAYERSOHN: Yes, Mr. Bays.

12 MR. BAYS: Thank you, sir. Certainly
13 understand the -- the overarching urgency of what
14 we do and how we are viewed by the public and the
15 very real impact that every -- every action taken
16 here has on the public's perception of the
17 viability of school construction in Broward
18 County. So clearly we have to do better going
19 forward. I think if you just drill down
20 everything said here today, that's really what
21 that amounts to. We were asked to look at a very
22 broad topic and see if trends made sense. We did
23 some financial -- or we did some quantitative
24 analysis and we determined that indeed they made
25 sense. On the overarching goal of getting done

1 here at the end of 2025, in the fourth quarter of
2 calendar year 2025, that's where it's applicable,
3 not on any one particular project. It has
4 utility in the health of the program.

5 I would only caution that we're -- we're
6 really, really building the plane as we are
7 flying. You've heard a great deal about
8 challenges today and creating another project,
9 however useful, that doesn't effectively move
10 that end date, might not be a resource you wish
11 to use. And I don't know of anything to move
12 that end date except more of the same, more
13 prosecution of the work, more innovative
14 solutions like AECOM has been bringing, more of
15 everything onsite. So I'll stop there.

16 Thank you, sir.

17 MR. MAYERSOHN: Okay. I think what Ms.
18 Fertig was explaining in the sense of trends is,
19 and this is my observation, is that, let's say
20 there is a supply shortage that -- and that's a
21 national trend, that if your response is the
22 reason why these projects are delayed is because
23 we can't get concrete, then it matches up. If
24 the national issue is concrete is abundant and
25 it's available and the district is still using

1 the same response of we can't get concrete,
2 that's where the audit, and, Mr. Luker, you can
3 kind of help me out here, that's where you're
4 looking at the those trends that are supported by
5 documentation. And I think that's kind of more
6 of the issue.

7 MR. LUKER: Yeah, I just -- I appreciate the
8 opportunity to provide what I think about this.
9 I think that identifying trends in the context
10 that is being discussed here is going to be very
11 difficult. Every project is different. Every
12 school district is different. Every market
13 condition, quality of construction professionals
14 is different. And AECOM classified their
15 modification of the schedule into trend buckets,
16 which, frankly, can really point us to where the
17 operational challenges are. They've put it into
18 those buckets because that's where they're seeing
19 failure in those buckets. And so to try to
20 benchmark ourselves against something else I
21 think is, probably to Sam's point, not going to
22 move the ball closer to changing the end date for
23 any of those schools.

24 And so I would maybe challenge us to maybe
25 slightly modify what the recommendation is here

1 because I really feel like if we send the team
2 down the road of trying to benchmark us against
3 other districts it's gonna be hard for us to find
4 comparable districts and it's going to be very
5 hard to find any one area of construction or
6 design that we can truly baseline ourselves
7 against. I think that's why our objective was to
8 go on a school by school basis and say, what are
9 the justifications for why we think design is
10 going to take longer, construction is going to
11 take longer and try to understand and receive the
12 narratives and the explanation for why that is
13 rather than try to measure it against some type
14 of standard.

15 So those are just my thoughts and I
16 appreciate the opportunity to share.

17 MR. MAYERSOHN: Ms. Fertig, since it's your
18 motion, then I'll go to Dr. Lynch-Walsh.

19 MS. FERTIG: And so I'll turn my microphone
20 back on for you here. And I appreciate that and
21 I can see that we're not like any other district,
22 obviously, but I also think we've talked about a
23 number of things that you've identified today
24 that are really creating an ongoing issue for our
25 district and getting projects done in a timely

1 manner. And so maybe we substitute those for
2 norms.

3 But the identification of those rather than
4 just sitting here and saying one more time, it's
5 business practices, we don't pay on time, we
6 don't do this, nobody wants to work for us, and
7 all of those things, I'd just kind of like to see
8 a short list of the top five and what we're gonna
9 actually do about it. Because that conversation
10 has been going on through every consultant.
11 Every consultant blames the previous one. If it
12 was the facilities department of old, the new
13 project manager would blame the old project
14 manager.

15 At some point there have to be some systemic
16 failures that we can identify and do something
17 about and I would like to take it away from
18 blaming a person or a company and put it to
19 actually what systemically is causing the
20 problems. And that's what I saw with what Mr. De
21 Meo said and having an idea of what other
22 districts, but if you want to change those words
23 to identify what the systemic failures have been
24 that have created these delays, hey, that's
25 great, too.

1 MS. LANGAN: If I may, through the Chair?

2 MR. MAYERSOHN: All right. Before -- we have
3 eight minutes before we lose some people. So if
4 we're going to make a motion and we're going to
5 pass it on I just want to state that. So --

6 MR. DE MEO: You know, sometimes there aren't
7 standards. Sometimes you can't get a baseline,
8 you can't compare it. It may not move the end
9 date. That may not be an effective means of --
10 but what we need to do is at least work together
11 to establish expectations and to analyze the root
12 cause of the problem. Ms. Fertig said let's look
13 at the top 10 and see what the trends are or the
14 top five and then compare that to the process.

15 So there's two parts here. One, what is the
16 documentation that should support the -- in a
17 collaborative way support these baselines and
18 these trends and re-baselining? Okay. That's
19 one thing that was brought up. Now, we need to
20 all agree on what that should be and I think
21 Joris should be the person to facilitate that.
22 The other is, there has to be a better look at
23 these trends and what is causing the disparity
24 between what is expected and what occurs. It
25 just can't go on year, after year, after year.

1 There has to be some better critical analysis.

2 I don't know how to capture that in a motion,
3 but that's how I feel.

4 MS. LANGAN: If I may? I'm sorry.

5 MR. MAYERSOHN: Well, I understand, but let
6 me do this systematically.

7 MS. LANGAN: Okay.

8 MR. MAYERSOHN: So Mr. Luker, Dr. Walsh, Ms.
9 Langan, Ms. Dahl.

10 MR. LUKER: Thank you.

11 MR. MAYERSOHN: All within -- all within five
12 minutes. Go ahead.

13 MR. LUKER: So I mentioned earlier that I
14 thought that AECOM has pretty accurately
15 categorized the failings into those five major
16 trends that they identified and I would say that
17 the roofing permitting analysis that we performed
18 as an audit several months back specifically
19 addresses trends to the roofing sub-permitting
20 trend that AECOM applied where they added on
21 average 175 days to every project that still had
22 to go through roofing sub-permit. And so our
23 analysis of that process mapped out the process,
24 identified where the delays were occurring and
25 provided some recommendations on how that might

1 be improved. To your point, Ms. Fertig, around
2 where we have opportunities to get out of this
3 manual environment, update our technology, add
4 staff to our team to increase the turnaround time
5 of our reviews, I think that was an effective
6 analysis of one of those trend areas. AECOM I
7 know is working on change orders where they have
8 re-engineered the process for how e-Builder will
9 be used and how the change orders will flow
10 through the approval process in hopes of making
11 that process more efficient and faster.

12 So I would say that, just based on my
13 experience with the district going on 11 years
14 now, I've seen more activity in these key areas
15 where we know we've had failures in the program.
16 I've seen more activity in the last year than I
17 have in all 10 that I've been auditing the
18 district. I think that it perhaps isn't easily
19 identified in a single place, a single report
20 where it kind of provides this comprehensive
21 overview, but at least the roofing process
22 analysis is one example where I think we went
23 through that process that you're speaking to for
24 one of those 10 one of those five areas and
25 perhaps there are other areas where there's

1 opportunity to do that. But I do know that there
2 are initiatives in almost all of these areas, you
3 know, that AECOM has identified as a trend area.

4 MR. MAYERSOHN: Dr. Lynch-Walsh?

5 DR. LYNCH-WALSH: Okay. And this may never
6 happen again but I'm actually agreeing with Mr.
7 Bays.

8 MR. MAYERSOHN: For the record.

9 DR. LYNCH-WALSH: For the record. Because
10 you have -- and just to clarify, we have two
11 program managers in this district. We have the
12 PM/OR which is the program manager owner's rep,
13 not the project manager of record, and we have
14 with the CPCM, which does cost and program
15 controls, and they, in addition, both of them do
16 tons of pages of monthly reports that I and maybe
17 a handful of people actually read every month,
18 but I do send them to everybody for the purpose
19 of, you know, if you're bored, you can read them.

20 One of the things that Atkins does is a risk
21 letter quarterly and it has general risks
22 associated with the program and sometimes they
23 touch on these different trend risks in terms of
24 materials and I think you have touched on most of
25 these.

1 So to Mr. Luker's point, you have RSM, the
2 Facilities Task Force and the program managers
3 all saying that what you're asking for has pretty
4 much happened already and maybe Atkins can do
5 more fine-tuning of this in the next monthly
6 report or in a risk letter. But to have everyone
7 go and turn themselves inside out benchmarking
8 when these are the things that have been failing
9 for reasons I keep mentioning that occurred at
10 the front end, and even e-Builder, which if you
11 don't understand the challenges there, that
12 e-Builder was supposed to be the be all and end
13 all, but when the district adopted it, they
14 didn't even incorporate all of the modules they
15 needed and it took months just to get a script so
16 that they could do forecasting because everything
17 that was going into e-Builder instead of raw data
18 going in, they were uploading a PDF into
19 e-Builder. Well, you can't analyze a PDF, so
20 that was years lost and data lost because that
21 wasn't being managed. So there were multiple
22 opportunities along the way where things have all
23 brought us to where we are now, and, yes, it
24 is -- these areas are problematic, but it doesn't
25 mean that at the front end there wasn't a larger

1 problem.

2 So I think that if everyone hasn't read the
3 risk letter, the last one, that one should be
4 required reading because it does get into, market
5 analysis is one of the things that's covered in
6 there, so --

7 MR. MAYERSOHN: We still have -- wait. We
8 still have quorum.

9 Goodbye, Mr. Sabin. Goodbye, Mr. De Meo.

10 (Mr. Sabin and Mr. De Meo exited the
11 proceedings.)

12 DR. LYNCH-WALSH: So I would think getting
13 more information -- I'm trying to use up the
14 minutes we have left. Getting more details on
15 these trends would be more useful than sending
16 everyone down the rabbit hole. And I'm speaking
17 as someone who deals with this information on a
18 monthly basis.

19 MR. MAYERSOHN: Okay. I'll let Ms. Dahl go
20 and then --

21 MS. DAHL: And my comment is going to be very
22 short.

23 I think it's too bad that Dr. Cartwright
24 isn't here today to hear what kind of mess she
25 was handed when she became a superintendent

1 officially today, because there's -- this is an
2 enormous issue and there's no way to solve it
3 really and I feel that she should have been here
4 today. I hope that she would listen to this part
5 of the tape for today because the energy and the
6 concern from the people sitting around this table
7 is real. I'm tired of looking at this since
8 2014. It needs to be fixed. It won't be fixed.
9 Thank you.

10 MR. MAYERSOHN: Ms. Langan.

11 MS. LANGAN: I was just going to reiterate
12 what's already been said. I would just say that,
13 as an example, that 175-day trend for roofing
14 permits runs as long as we are working to get
15 that roofing permit approved. The day that it
16 gets approved the schedule gets updated and the
17 trend goes away, whatever is left in that trend.
18 It's trend management on a monthly basis.

19 So this isn't extending schedules out
20 falsely. This is, you know, and when you think
21 about the design reviews, they were trending 12
22 to 14 design reviews, the building department
23 was, back and forth with architects. No ones
24 fault, just that's what was happening. So when
25 we looked at it, we looked at different

1 approaches of how to fix that. We formed an
2 onsite design group. And that design group is
3 responsible to ensure we scheduled five reviews.
4 That's what we did as a corrective measure.
5 Every one of these trends that we have here we
6 have instituted a corrective measure. Now there
7 are more trends. We have market conditions. We
8 have supply issues. We note those in our monthly
9 report and if we see that it's beginning to
10 impact the projects we indicate.

11 So I just want to assure everybody that if
12 they like at all this data that I -- I actually
13 finally understand what Mr. Luker was looking
14 for.

15 MR. MAYERSOHN: There you go.

16 MS. LANGAN: But thank you. Thank you.
17 That's all.

18 MR. MAYERSOHN: Ms. Fertig?

19 MS. FERTIG: Okay. Well, I'm going to, in
20 the interest of time, move that we transmit.

21 MR. MAYERSOHN: You already made the motion.

22 MS. FERTIG: I did.

23 MR. MAYERSOHN: Are you withdrawing the --

24 MS. FERTIG: Well, I'm going to withdraw the
25 norms if Mr. Luker doesn't feel that's a

1 reasonable thing to ask, but I'd like to ask
2 something, because, otherwise, we're going to be
3 back here in two years and we're going to hear
4 it's because of something. And at some point --
5 I'm happy to -- I know we've got a time crunch so
6 we can make a motion to transmit and we've got
7 good minutes of this and so I will make sure that
8 the person I represent gets those minutes, I'm
9 sure you'll do the same thing, but.

10 MR. MAYERSOHN: I guess my point to your
11 point is that, can we bring this back in May or
12 June at least to get an update to see how this is
13 all working out?

14 MS. FERTIG: Yeah, I mean, I'd love to have
15 an update on the roofing one to see what's been
16 done on that.

17 MR. JABOUIN: The roofing one is --

18 MR. MAYERSOHN: Is it scheduled to be
19 updated?

20 MR. JABOUIN: It's on the radar to be -- to
21 be reviewed.

22 As far as the discussion on the trends, I'm
23 getting the feeling that that information is
24 there, there's a lot of analysis that's being
25 done and provided. And, obviously, Mrs. Langan

1 understands how the documentation would work
2 going forward.

3 MR. MAYERSOHN: So I think we're okay on the
4 trends and I understand what you're saying.

5 MS. FERTIG: Yeah, I think we hear a lot of
6 excuses here, not excuses, and I don't want you
7 to take it that way, but I've been doing this, I
8 know some people in here have been doing it for a
9 certain amount of time, I've been doing it in
10 facilities since 1987, okay, and I can point to a
11 lot of specific projects, I've heard a lot of
12 stories, a lot of things. I so appreciate what
13 RSM has done for this district in pointing things
14 out. My concern is that we have these
15 conversations and then the same problem comes
16 back in a year, two years, three years, and we're
17 still hearing it. And meanwhile, just to make
18 this what it is, some child is sitting under a
19 leaky roof.

20 So I don't think that I should be sitting
21 here in 2022 when I can show you pictures of my
22 husband bouncing on the roof at Northeast High
23 School in 2013 and still knowing that those roofs
24 are -- I know they're being worked on, but
25 they're not done, and that's not acceptable. And

1 so until we actually delve into it and say what
2 are we going to change about the way we do things
3 and make it so a simple person like myself can
4 understand it, then I think we have a real
5 problem with public perception.

6 So I'm happy to make a motion to transmit, so
7 Ms. Shaw is probably still online.

8 MR. MAYERSOHN: Ms. Shaw, are you --

9 MR. JABOUIN: My second still stands. I know
10 there was already a motion.

11 MR. MAYERSOHN: Okay. So we made a motion to
12 transmit. Is there any further discussion, Mr.
13 Luker?

14 MR. JABOUIN: Just a standard motion to
15 transmit?

16 MR. MAYERSOHN: Just a standard motion to
17 transmit. I'm sure we'll be looking at this
18 again just to update any comments or whatever so
19 we want to just keep progressing.

20 So all those in favor signify by saying aye.

21 COMMITTEE MEMBERS: Aye.

22 MR. MAYERSOHN: Anybody opposed?

23 (No response.)

24 MR. MAYERSOHN: The ayes have it.

25 All right last item, any comments from

1 committee members?

2 Dr. Lynch-Walsh, surprise.

3 DR. LYNCH-WALSH: Threat assessment audit.
4 Policy 2130 was discussed by the board at the
5 workshop last Tuesday, which I think was a couple
6 days ago. The motion we passed, none of it made
7 it into the policy. Didn't make it into the
8 policy about OSPA being equally responsible. The
9 training for volunteers, they're gonna give
10 volunteers information, which is not quite the
11 same as training, at least not on my planet. I
12 forget offhand what the third thing was. Oh, the
13 quarterly report, surprise, surprise, it doesn't
14 mention compliance. So supposedly, and this is a
15 point that needs clarification, this fiscal year
16 is the one of interest. Last year all the kids,
17 most of the kids were home. But if you're gonna
18 do an audit of last year we also need sooner
19 rather than later to see this year.

20 It's my understanding that one of the board
21 members asked you, Mr. Jabouin, whether you'd be
22 auditing this fiscal year and whether you would
23 have it at year end. Did you mean to audit this
24 year, you were including that -- it was Ms.
25 Alhadeff.

1 MR. JABOUIN: Ms. Alhadeff's question was
2 regarding school year '21 and I responded that
3 that report would be --

4 DR. LYNCH-WALSH: And that's what I told her,
5 that there would be sudden communication.
6 Because the thing of it is, if we don't audit
7 this year soon, so we have it, which was what I
8 was aiming for, the quarterly report just tells
9 you how many, but it doesn't tell you anyone's in
10 compliance. So a quarterly report is not a
11 substitution for an audit. So how long would we
12 then wait to know what happened this year? When
13 would that get audited? Because if it isn't
14 happening in real time, we now have a new
15 superintendent and there shouldn't even be a
16 difference between what was happening before when
17 we were interim and what's happening -- because
18 she's going to have some goals and if one of them
19 is bringing the district into compliance we need
20 to have a baseline. And we can't have that if we
21 have to wait another year to find out what
22 happened this year.

23 So when would this year, especially perhaps
24 even the first two quarters, get audited?

25 MR. JABOUIN: So this is not an agenda item,

1 so --

2 DR. LYNCH-WALSH: It's under my comments.

3 MR. JABOUIN: So with respect to your
4 comments, very briefly in the interest of time,
5 there is fieldwork that is going on for school
6 year 2021 that will conclude before any further
7 fieldwork is done. I will not report on the
8 timing of an ongoing audit at this time.

9 Thank you.

10 MR. MAYERSOHN: Okay. Any other comments?

11 (No response.)

12 MS. SHAW: Phyllis.

13 MR. MAYERSOHN: Yes, Ms. Shaw.

14 MS. SHAW: I just want to compliment Dr.
15 Wanza and the entire team for the internal audit
16 and the property inventory clean audit report.
17 About five, seven years ago before our chief
18 auditor came on board the reports were just
19 absolutely horrible and I think we have made --
20 they have made such great stride to the point
21 that these are --

22 MR. MAYERSOHN: We can't -- we can't -- hold
23 on, Ms. Shaw.

24 COURT REPORTER: Is everybody else
25 understanding her?

1 MR. MAYERSOHN: Can you -- and I don't know
2 whether it's your connection or whatever, but Mr.
3 Bass --

4 MS. SHAW: It's a district phone.

5 MR. MAYERSOHN: Okay. But Mr. Bass is having
6 a difficult time in hearing you.

7 MS. SHAW: Oh, I'm just saying compliments to
8 Dr. Wanza and the team for such great audits, the
9 internal funds audit and the property inventory
10 audit. You know, we have watched these reports
11 and we have come a long way and I just want to
12 compliment them and keep up the great work. I
13 look forward to reading these audits now because
14 I don't have to sit and cringe in my seat. And I
15 look at some of my favorite schools -- well,
16 they're all my favorite schools, so compliments
17 to them, keep up the great job and thank you for
18 everything that you and your team are doing.

19 MR. MAYERSOHN: That's it?

20 MS. SHAW: And of course our chief auditor's
21 office, great job and keep doing what you do.

22 MR. MAYERSOHN: Okay. Any other -- you got
23 that; right? Okay.

24 Any other comments?

25 (No response.)

1 MR. MAYERSOHN: Mr. Luker, thank you for
2 coming --

3 MS. DAHL: Yes, excellent.

4 MR. MAYERSOHN: -- at the last meaning. We
5 appreciate it.

6 Mr. Fleming, or Dr. Fleming, I'm sure that
7 you will provide a detailed responsive
8 conversation with the superintendent.

9 Our next meeting is scheduled for --

10 MR. JABOUIN: March 31st at 11 a.m.

11 MR. MAYERSOHN: -- March, and hopefully the
12 superintendent will be here. I don't know if she
13 has a conflict that day, but I would like to --
14 and I think we all would like to see her here so
15 that she can hear, I don't know what's on our
16 agenda, but provide it more in person, no
17 offense, Dr. Fleming, but that she's here in
18 person than through a third party, so we'd
19 appreciate that.

20 With that being said, do I have a motion to
21 adjourn?

22 MS. DAHL: Please.

23 MR. MAYERSOHN: And I also want to thank the
24 audit committee for their patience and
25 understanding. We went through this in record

1 time, so congratulations to everybody.

2 MS. DAHL: Thank you for running a very good
3 meeting.

4 (Meeting was concluded at 1:12 p.m.)
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REPORTER'S CERTIFICATE

STATE OF FLORIDA

COUNTY OF BROWARD

I, Timothy R. Bass, Court Reporter and Notary Public in and for the State of Florida at Large, hereby certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes thereof.

Dated this 2nd day of March, 2022, Fort Lauderdale, Broward County, Florida.



TIMOTHY R. BASS.
Court Reporter

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