



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	Jun 21 2016 10:15AM - Regular School Board Meeting
AGENDA ITEM	CONSENT ITEMS
CATEGORY	E. OFFICE OF STRATEGY & OPERATIONS
DEPARTMENT	Procurement & Warehousing Services

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input type="radio"/> Yes <input checked="" type="radio"/> No

ITEM No.:
E-5.

TITLE:
First Amendment to Agreement and Renewal - RFP - 13-033V - Bond and Special Tax Counsel Services

REQUESTED ACTION:
Approve the First Amendment to the Agreement for the above Request for Proposal (RFP). Contract Term: May 20, 2013, through June 30, 2017, 4 Years, 1 Month; User Department: Treasurer's Office; Original Award Amount: None; Awarded Vendor(s): Greenberg Traurig, P.A.; Minority/Women Business Enterprise Vendor(s): None

SUMMARY EXPLANATION AND BACKGROUND:
The School Board of Broward County Florida, received three (3) proposals for 13-033V - Bond and Special Tax Counsel Services. Greenberg Traurig, P.A. provides counsel services for the issuance of General Obligation and other bonds, Certificate of Participation (COPs), short/long term notes and refinancing of debt to provide financing for the District's facilities. This counsel service provides legal opinions as required, tax options, tax counsel services, and disclosure counsel services for the District. This is the first of two (2) options to renew the Agreement. This First Amendment to Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel.

SCHOOL BOARD GOALS:
 Goal 1: High Quality Instruction Goal 2: Continuous Improvement Goal 3: Effective Communication

FINANCIAL IMPACT:
There is no financial impact to the District. Fees will be paid from proceeds of financings completed.

EXHIBITS: (List)
(1) Executive Summary (2) First Amendment to the Agreement (3) Approved ARF 3-18-2013 RSBM E-3 (4) Recommendation Tabulation 3-18-2013 (5) Supplier Evaluation

BOARD ACTION:
APPROVED
(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Ivan Perrone	Phone: 754-321-1980
Name: Mary C. Coker	Phone: 754-321-0501

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Senior Leader & Title
Maurice L. Woods - Chief Strategy & Operations Officer

Approved In Open Board Meeting On: JUN 21 2016

Signature
Maurice Woods
6/7/2016, 9:55:12 AM

By: *Atty M. Freedman*
School Board Chair *for the chair*

EXECUTIVE SUMMARY

First Amendment to Agreement and Renewal RFP 13-033V – Bond and Special Tax Counsel Services

The District's current Bond and Special Tax Counsel Services provider, Greenberg Traug, P.A. (Greenberg), is an integral member of the District's financing team. Greenberg's role on the finance team is very critical, as they provide interpretations and legal opinions, as well as any/all advice regarding tax implications, of federal laws/regulations, state constitutions/statutes, and local charters/ordinances to ensure the District has legal authority to issue certain debt obligations (i.e., General Obligation Bonds, Certificates of Participation, Tax Anticipation Notes).

Under the Bond and Special Tax Counsel Services RFP 13-033V, the District entered into a three (3) year agreement with Greenberg from May 20, 2013, through June 30, 2016. The terms of the existing agreement provides for two (2) additional one-year renewal periods and an additional 180 days, if necessary.

In the next twelve (12) months, the District will start the planning process for several debt issuances (i.e., General Obligation Bonds – 2nd tranche, Tax Anticipation Notes) and the possibility of several lease financings for the District's facilities. During the current agreement, Greenberg has been involved with and provided legal counsel for all debt issuances and financings of the District. Greenberg's vast expertise was instrumental in the success of the issuance of the \$800 million General Obligation Bonds initiative (GOBs). Greenberg counseled and assisted the District with the requesting and providing for the holding of a bond election, canvassing the results of the bond election, creating the GOBs Master Bond Resolution, and successful validation in court, etc.

District staff is recommending to exercise the first of two (2) one-year renewal periods to ensure continuity of these vital services and the continued successful issuances of future tranches of the GOBs and other various financings/re-financings.

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into as of this 21st day of June, 2016, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

(hereinafter referred to as "SBBC"),

a body corporate and political subdivision of the State of Florida,

whose principal place of business is

600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

GREENBERG TRAUIG, P.A.

(hereinafter referred to as "GREENBERG"),

whose principal place of business is

333 Avenue of the Americas, Suite 4400

Miami, Florida 33131

WHEREAS, under RFP 13-033V regarding Bond and Special Tax Counsel Services, the Agreement term is from May 20, 2013 through June 30, 2016, and may be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period.

WHEREAS, SBBC and GREENBERG entered into an Agreement dated March 18, 2013 (hereinafter referred to as "Agreement"); under RFP 13-033V, for the term of May 20, 2013 through June 30, 2016; and allowed for an extension of two additional one-year periods and, if needed, 180 days beyond the expiration date of renewal period; and

WHEREAS, SBBC wishes to exercise its first of two (2) options to renew the Agreement for a period of one (1) additional year.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1. **Recitals.** The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

2. The Agreement regarding Bond and Special Tax Counsel Services is hereby renewed for one year beginning July 1, 2016 through June 30, 2017.

3. Section 2.02 of the Agreement is hereby amended, by interlineation, as follows:

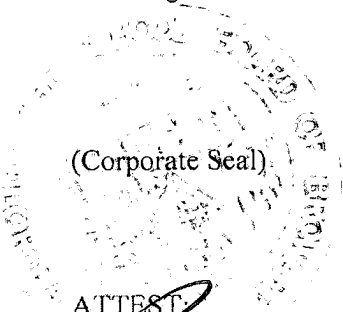
2.02 **Priority of Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

- First: This First Amendment to Agreement, then;
- Second: Agreement, then;
- Third: Addendum No. 3
- Fourth: Addendum No. 2
- Fifth: Addendum No. 1
- Sixth: RFP 13-033V – Bond and special Tax Counsel Services
- Seventh: Proposal Submitted in response to the RFP 13-033V and GREENBERG’s transmittal letter.

4. **Other Provision Remain in Force.** Except as expressly provided herein, all other portions of the Agreement remain in full force and effect.

5. **Authority.** Each person signing this First Amendment to Agreement on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment to Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this First Amendment to Agreement.

IN WITNESS WHEREOF, the Parties have made and executed this First Amendment to the Agreement on the date first above written.



(Corporate Seal)

ATTEST:

Handwritten signature of Robert W. Runcie in black ink.

Robert W. Runcie, Superintendent of Schools

FOR SBBC

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By Abby M. Freedman
Dr. Rosalind Osgood, Chair *for the chair*

Approved as to Form and Legal Content:

Handwritten signature of Katelyn Jacques-Adams in black ink.

Digitally signed by Katelyn Jacques-Adams
DN: cn=Katelyn Jacques-Adams, o=The School Board of Broward County, Florida, ou=Office of the General Counsel,
email=katelyn.jacques-adams@browardschools.com, c=US
Reason: Greenberg Traurig, P.A. - First Amendment - RFP 13-033V
Bond and Special Tax Counsel Services
Date: 2016.05.06 13:19:21 -04'00'

Office of the General Counsel

FOR GREENBERG

(Corporate Seal)

GREENBERG TRAUIG, P.A.

ATTEST:

By *Ruscay*

_____, Secretary

-or-

Witness *Tere Rodriguez*

Witness *Florie Hay*

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 28th day of April, 2016 by Robert Gang of _____, on behalf of the corporation/agency.

_____, Name of Corporation or Agency
He/She is personally known to me or produced _____ as identification and did/did not first take an oath. _____ Type of Identification

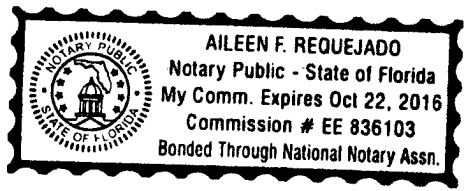
My Commission Expires:

A. Requejado
Signature - Notary Public

Aileen F. Requejado
Printed Name of Notary

(SEAL)

EE836103
Notary's Commission No.



AGENDA REQUEST FORM
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Meeting Date 03/18/13	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;">Open Agenda <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> <td style="width:50%; padding: 5px;">Special Order Request <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table>	Open Agenda <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Special Order Request <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item Number E-3
Open Agenda <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Special Order Request <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

TITLE:									
RFP Recommendation \$500,000 Or Less - 13-033V									
REQUESTED ACTION:									
Approve RFP recommendations as stated on the attached award recommendation.									
RFP	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%; padding: 5px;">TITLE</td> <td style="width:20%; padding: 5px;">LOCATION</td> <td style="width:15%; padding: 5px;">AMOUNT</td> <td style="width:30%; padding: 5px;">M/WBE VENDORS</td> </tr> <tr> <td style="padding: 5px;">13-033V Bond and Special Tax Counsel Services Contract period: May 20, 2013 through June 30, 2016</td> <td style="padding: 5px;">Treasurer's Office</td> <td style="padding: 5px;">N/A</td> <td style="padding: 5px;">Includes an award recommendation to one certified M/WBE Vendor: Edwards & Associates, P.A. (Co- Counsel) (African- American M/WBE: Miami, FL)</td> </tr> </table>	TITLE	LOCATION	AMOUNT	M/WBE VENDORS	13-033V Bond and Special Tax Counsel Services Contract period: May 20, 2013 through June 30, 2016	Treasurer's Office	N/A	Includes an award recommendation to one certified M/WBE Vendor: Edwards & Associates, P.A. (Co- Counsel) (African- American M/WBE: Miami, FL)
TITLE	LOCATION	AMOUNT	M/WBE VENDORS						
13-033V Bond and Special Tax Counsel Services Contract period: May 20, 2013 through June 30, 2016	Treasurer's Office	N/A	Includes an award recommendation to one certified M/WBE Vendor: Edwards & Associates, P.A. (Co- Counsel) (African- American M/WBE: Miami, FL)						
This Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel.									
SUMMARY EXPLANATION AND BACKGROUND:									
Bond and Special Tax Counsel Services are used to provide counsel services for the issuance of General Obligation and other bonds, Certificate of Participation (COPs), short/long term notes and refinancing of debt to provide financing for the District's facilities. This counsel service provides legal opinions as required, tax options, tax counsel services, and disclosure counsel services for the District. Fees will be paid from proceeds of financings completed.									
SCHOOL BOARD GOALS:									
<input type="checkbox"/> •Goal 1: High Quality Instruction <input checked="" type="checkbox"/> •Goal 2: Continuous Improvement <input type="checkbox"/> •Goal 3: Effective Communication									
FINANCIAL IMPACT:									
There is no financial impact to the District.									
EXHIBITS: (List)									
1. RFP 13-033V 2. Agreement									
APPROVED	SOURCE OF ADDITIONAL INFORMATION: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%; padding: 5px;">Henry Robinson</td> <td style="padding: 5px;">754-321-0587</td> </tr> <tr> <td style="padding: 5px;">Bill Harris</td> <td style="padding: 5px;">754-321-0501</td> </tr> <tr> <td style="padding: 5px;"><small>Name</small></td> <td style="padding: 5px;"><small>Phone</small></td> </tr> </table>	Henry Robinson	754-321-0587	Bill Harris	754-321-0501	<small>Name</small>	<small>Phone</small>		
Henry Robinson	754-321-0587								
Bill Harris	754-321-0501								
<small>Name</small>	<small>Phone</small>								
<small>(For Official School Board Records' Office Only)</small>									

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Maurice L. Woods MLW
Chief Strategy & Operations Officer
Office of Strategy & Operations

MAR 18 2013

Approved in Open Board Meeting on:

By:

Laurie Rich Levinson

School Board Chair

The School Board of Broward County, Florida
Supply Management & Logistics Department

RFP No.: 13-033V Board Meeting: MARCH 18, 2013
Description: BOND AND SPECIAL TAX COUNSEL SERVICES Notified: 348 Downloaded: 14
TERM CONTRACT RFP Rec'd: 3 No Bids: 0
For: TREASURER'S OFFICE RFP Opening: NOVEMBER 9, 2012
(School/Department)
Fund: ** Advertised Date: SEPTEMBER 21, 2012

POSTING OF RFP RECOMMENDATION/TABULATION: RFP Recommendations and Tabulations will be posted in the Supply Management & Logistics Department and www.Demandstar.com on DECEMBER 12, 2012 @ 3:00 PM, and will remain posted for 72 hours. Any person who is adversely affected by the decision or intended decision shall file a notice of protest, in writing, within 72 hours after the posting of the notice of decision or intended decision. The formal written protest shall be filed within ten (10) days after the date the notice of protest is filed. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this chapter. Section 120.57(3)(b), Florida Statutes, states that "The formal written protest shall state with particularity the facts and law upon which the protest is based." Saturdays, Sundays, state holidays and days during which the school district administration is closed shall be excluded in the computation of the 72-hour time period provided. Filings shall be at the office of the Director of Supply Management & Logistics Department, 7720 West Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351. Any person who files an action protesting an intended decision shall post with the School Board, at the time of filing the formal written protest, a bond, payable to The School Board of Broward County, Florida, (SBBC), in an amount equal to one percent (1%) of the estimated value of the contract. Failure to post the bond required by SBBC Policy 3320, Part VIII, Purchasing Policies, Section N, within the time allowed for filing a bond shall constitute a waiver of the right to protest.

RECOMMENDATION/TABULATION

THREE PROPOSALS WERE RECEIVED IN RESPONSE TO RFP 13-033V. PROPOSALS WERE EVALUATED BY THE FOLLOWING COMMITTEE CONSISTING OF:

BEN LEONG – CHIEF FINANCIAL OFFICER, OFFICE OF THE CHIEF FINANCIAL OFFICER
HENRY ROBINSON – TREASURER, TREASURER'S OFFICE
OMAR SHIM – DIRECTOR, CAPITAL BUDGET
SHELLEY MELONI – EXECUTIVE DIRECTOR, FACILITIES DESIGN & CONSTRUCTION

M/WBE ADVISOR: MARCY HOUSER

BASED UPON SECTION 5.0 OF THE RFP, AFTER THE EVALUATION COMMITTEE INTERVIEWED AND RECEIVED PRESENTATIONS, EVALUATED PROPOSALS AND ASSIGNED POINTS TO ALL QUALIFIED PROPOSERS, THE COMMITTEE SELECTED THE FOLLOWING FIRM AS THE TOP RANKED PROPOSER AND RECOMMENDATION FOR AWARD:

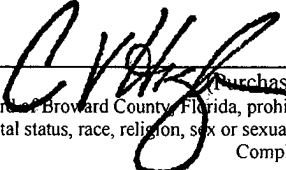
GREENBERG TRAUIG, P.A.
*EDWARDS & ASSOCIATES, P.A. (CO-COUNSEL)
(AFRICAN-AMERICAN M/WBE: MIAMI, FLORIDA)

*M/WBE VENDOR

** NOTE: FEES WILL BE PAID FROM PROCEEDS OF FINANCINGS COMPLETED. THERE IS NO FINANCIAL IMPACT TO THE DISTRICT.

THIS AWARD SHALL BE CONTINGENT UPON SUCCESSFUL COMPLETION OF A WRITTEN AGREEMENT.

CONTRACT PERIOD: MAY 20, 2013 THROUGH JUNE 30, 2016.

By:  Date: 12/12/12
Purchasing Agent

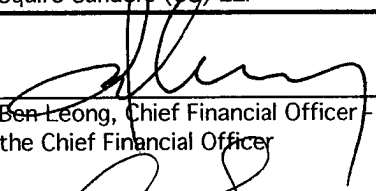
The School Board of Broward County, Florida, prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender expression, national origin, marital status, race, religion, sex or sexual orientation. Individuals who wish to file a discrimination complaint, may call the Executive Director, Benefits & EEO Compliance at 754-321-2150 or Teletype Machine (TTY) at 754-321-2158.


Individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may call the Equal Educational Opportunities (EEO) at 754-321-2150 or Teletype Machine (TTY) at 754-321-2158.

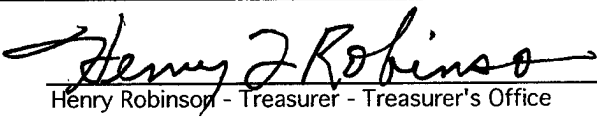
REVISED: 3/13/12


RFP 13-033V - Bond and Special Tax Counsel Services

13-033V - Bond and Special Tax Counsel Services (Rebid)	Maximum Points	Ben Leong	Henry Robinson	Omar Shim	Shelley Meloni	Average Points
Experience and Qualifications	41					
Bryant Miller Olive, P.A.		30	33	35	38	34
Greenberg Traurig, P.A.		40	40	40	40	40
Squire Sanders (US) LLP		30	32	35	36	33
Scope of Services	40					
Bryant Miller Olive, P.A.		30	32	35	35	33
Greenberg Traurig, P.A.		40	40	40	39	40
Squire Sanders (US) LLP		25	32	33	35	31
Cost of Services	14					
Bryant Miller Olive, P.A.		14	14	14	14	14
Greenberg Traurig, P.A.		13	13	13	13	13
Squire Sanders (US) LLP		8	8	8	8	8
M/WBE Participation	5					
Bryant Miller Olive, P.A.		1	1	1	1	1
Greenberg Traurig, P.A.		4	4	4	4	4
Squire Sanders (US) LLP		2	2	2	2	2
Total Score	100					
Bryant Miller Olive, P.A.						82
Greenberg Traurig, P.A.						97
Squire Sanders (US) LLP						75


 Ben Leong, Chief Financial Officer - Office of the Chief Financial Officer


 Omar Shim - Director - Capital Budget


 Henry Robinson - Treasurer - Treasurer's Office


 Shelley Meloni - Executive Director - Facilities Design & Construction

SUPPLIER / PRODUCT EVALUATION FORM

The purpose of this evaluation form is to rate a supplier's performance. Completion of this form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier. Please return completed evaluation form to:

Procurement & Warehousing Services Department
 Technology and Support Services Center
 7720 West Oakland Park Boulevard, Sunrise, Florida 33351
 For assistance with this form, please contact (754) 321-0527 or
 E-mail to: michelle.wilcox@browardschools.com

SECTION 1 – SUPPLIER EVALUATION

Supplier Company Name: Greenberg Traurig, P. A.
 Supplier Contact: Robert C. Gang
 Contact Telephone: 305-579-0886

Bid No.: 13-033V Purchase Order No.: _____

What was the product / service? Bond and Special Tax Counsel Services

1. How do you rate the supplier in the following areas?

	1	2	3	4	5
	Poor	Fair	Good	Very Good	Excellent
Overall Customer Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Delivery as Scheduled or Promised	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. How satisfied are you with the supplier?

1 Not Satisfied <input type="checkbox"/>	2 Somewhat Satisfied <input type="checkbox"/>	3 Satisfied <input type="checkbox"/>	4 Very Satisfied <input checked="" type="checkbox"/>
---	--	---	---

3. Will you use them again? Yes No

SECTION 2 – PRODUCT / SERVICE EVALUATION

4. How do you rate their product / service?

	1	2	3	4	5
	Poor	Fair	Good	Very Good	Excellent
Compliance with Specifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Quality as Compared to Similar Products/Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Price as Compared to Similar Products/Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Would you purchase this product or use this vendor again?

1 Very Unlikely <input type="checkbox"/>	2 Unlikely <input type="checkbox"/>	3 Probably <input type="checkbox"/>	4 Definitely <input checked="" type="checkbox"/>
---	--	--	---

*If not, please explain why in comments.

SECTION 3 – END-USER INPUT

Please share any additional information regarding this supplier or the product / service provided. If this supplier's performance is unsatisfactory, please tell us why. You may attach an additional sheet if necessary.

*Comments: _____

Evaluation Form Completed By:

Name / Title: Ivan Perrone, Treasurer
 School / Department: Treasurer's Office
 Contact Telephone: 754-321-1980

Participant's Signature: _____ Date: 5/13/16