

**AMENDMENT TO AGREEMENT FOR  
PROGRAM MANAGER/OWNER'S REPRESENTATIVE SERVICES**

between

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

and

**HEERY INTERNATIONAL, INC.**

THIS FIRST AMENDMENT to the Program Manager/Owner's Representative Services Agreement by and between The School Board of Broward County, Florida ("SBBC") and Heery International, Inc. ("Heery") dated August 18, 2015 (the "Agreement"), is hereby entered into this 2nd day of May, 2017.

**WHEREAS**, the SBBC and Heery acknowledge and agree that the Agreement between SBBC and Heery dated August 18, 2015, is in full force and effect except to the extent this First Amendment modifies specific provisions thereof;

**WHEREAS**, the base scope of services under the Agreement involves managing one-half of the District Educational Facilities Plan approved in 2016 (the "DEFP"), exclusive of Technology and Musical Instruments;

**WHEREAS**, for the first fourteen (14) months of the Agreement, and without an increase in the not-to-exceed fee, Heery, pursuant to the SBBC's request, provided management of the entire DEFP, exclusive of Technology and Musical Instruments; and

**WHEREAS**, the SBBC and Heery desire to amend the Agreement to reflect Heery's added scope of work and to increase the not-to-exceed amount related thereto.

**NOW THEREFORE**, in exchange for the mutual covenants and promises set forth herein and other good and valuable consideration, the parties agree as follows:

1. The recitals contained herein are true and correct, and are incorporated herein by reference.
2. The scope of the Agreement is hereby increased to include all projects funded in the DEFP, exclusive of Technology and Musical Instruments.
3. Heery's scope of services and fees defined in the Agreement are hereby increased to include those additional services described in the Executive Summary of this Board Item, and fees identified within the "Heery - Owner's Representative Services, Contract Year 1 through 3 - Staffing Plan" (the "Staffing Plan"), attached hereto and incorporated herein as **Exhibit "A."**
4. Heery's fees shall be increased as set forth Staffing Plan by a not-to-exceed amount of Eleven Million, Two Hundred Ninety-Eight Thousand Dollars (\$11,298,000.00) for years 1 to 3 of the Agreement, for a total not-to-exceed amount of Twenty-Seven Million, Four Hundred Ninety-Eight Thousand Dollars (\$27,498,000.00).

5. Upon agreement between Heery and the Chief Facilities Officer or his designee, and without further action by the SBBC, the fees set forth in the Staffing Plan may be adjusted and reallocated amongst and between Staffing Groups and Contract Years as deemed appropriate.

Authority:

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

**IN WITNESS WHEREOF**, the Parties hereto have made and executed this First Amendment on the day and year first above written.

**FOR SBBC**

(Seal)

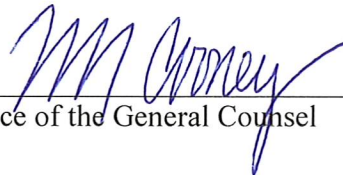
THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

ATTEST:

By \_\_\_\_\_  
Abby M. Freedman, Chair

\_\_\_\_\_  
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

  
\_\_\_\_\_  
Office of the General Counsel

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**FOR HEERY**

(Corporate Seal)

**HEERY INTERNATIONAL, INC.**


ATTEST:

\_\_\_\_\_  
, Secretary

By   
Theodore Sak, President

-or-

  
Witness

  
Witness


**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 GEORGIA

COUNTY OF FULTON

The foregoing instrument was acknowledged by for me this 21<sup>st</sup> day of April, 2017, by Theodore Sak of Heery International, Inc., on behalf of the corporation or agency, who is personally known to me and did/did not first take an oath.

My commission expires:

  
Signature – Notary Public  
Kindra Beman  
Printed Name of Notary

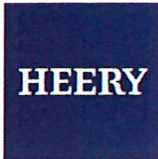
(SEAL)

STATE OF WASHINGTON  
COUNTY OF KING

Sworn to (or affirmed) and subscribed before me  
this 21<sup>st</sup> day of April, 2017, by \_\_\_\_\_

  
Kindra Beman Notary Public  
My Commission Exp. September 08, 2017

EXHIBIT "A"



**Heery - Owner's Representative Services  
Contract Year 1 through 3 - Staffing Plan**

STAFFING GROUP	Contract Year 1	Contract Year 2	Contract Year 3	TOTAL
CORE STAFFING - PM	\$ 2,057,206	\$ 5,107,090	\$ 6,180,396	\$ 13,344,692
SMALL PROJECTS GROUP	\$ 31,108	\$ 1,026,784	\$ 1,424,659	\$ 2,482,551
TECHNICAL SUPPORT STAFFING	\$ 54,990	\$ 822,008	\$ 1,159,734	\$ 2,036,732
STUDENT INTERNS	\$ 16,358	\$ 13,849	\$ 14,207	\$ 44,414
SENIOR STAFFING	\$ 210,701	\$ 195,167	\$ 163,392	\$ 569,260
DESIGN CRITERIA/SCOPE PKGING	\$ 194,494	\$ 592,081	\$ 690,993	\$ 1,477,568
COMMISSIONING	\$ -	\$ 483,667	\$ 1,210,984	\$ 1,694,651
SPECIFICATIONS REVIEW	\$ 27,426	\$ -	\$ -	\$ 27,426
<b>SUBTOTAL BASE SERVICES</b>	<b>\$ 2,592,282</b>	<b>\$ 8,240,647</b>	<b>\$ 10,844,365</b>	<b>\$ 21,662,557</b>
ROOFING CONSULTANT	\$ -	\$ 266,713	\$ 500,600	\$ 767,313
COMMUNICATIONS	\$ 76,634	\$ 347,595	\$ 426,543	\$ 850,772
M/WBE OUTREACH	\$ -	\$ 339,479	\$ 384,482	\$ 723,961
SINGLE POINT OF ENTRY SURVEYS	\$ -	\$ 110,364	\$ -	\$ 110,364
SPECIAL STUDIES	\$ -	\$ 119,834	\$ 204,197	\$ 324,030
PROCUREMENT - BASELINE	\$ 322,143	\$ 482,889	\$ 406,640	\$ 1,211,671
PROCUREMENT – CONSTR.	\$ -	\$ 198,799	\$ 793,444	\$ 992,243
<b>SUBTOTAL SUPPLEMENTAL SERVICES</b>	<b>\$ 398,777</b>	<b>\$ 1,865,673</b>	<b>\$ 2,715,905</b>	<b>\$ 4,980,354</b>
<b>TOTAL PROJECTED LABOR</b>	<b>\$ 2,991,059</b>	<b>\$ 10,106,319</b>	<b>\$ 13,560,270</b>	<b>\$ 26,657,648</b>
Total Projected Reimbursables	\$ 186,600	\$ 160,800	\$ 164,820	\$ 512,220
TOTAL LABOR AND REIMB.	\$ 3,177,659	\$ 10,267,119	\$ 13,710,353	\$ 27,169,868
PROPOSED Not-To-Exceed	\$ 3,178,000	\$ 10,420,000	\$ 13,900,000	\$ 27,498,000
Current Base Contract	\$ 5,133,400	\$ 5,749,600	\$ 4,897,590	\$ 15,780,590
	\$ 256,600	\$ 80,400	\$ 82,410	\$ 419,410
PROPOSED INCREASE	\$ 5,390,000	\$ 5,830,000	\$ 4,980,000	\$ 16,200,000
Labor	\$ (2,142,000)	\$ 4,509,600	\$ 8,837,590	\$ 11,205,190
Reimbursables	\$ (70,000)	\$ 80,400	\$ 82,410	\$ 92,810
Total	\$ (2,212,000)	\$ 4,590,000	\$ 8,920,000	\$ 11,298,000

**TOTAL PROPOSED INCREASE: \$ 11,298,000**

**Heery International, Inc.**

A group of professional service practices  
7650 Corporate Center Drive, Suite 300, Miami, FL 33126  
Telephone: (305) 441-1556

OFFICES NATIONWIDE