



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

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

MEETING DATE	Jul 28 2015 10:15AM - Regular School Board Meeting
AGENDA ITEM	CONSENT ITEMS
CATEGORY	E. OFFICE OF STRATEGY & OPERATIONS
DEPARTMENT	Procurement & Warehousing Services

ITEM No.:

E-4.

TITLE:

First Amendment to Agreement - 14-067E - Professional Development Management Software System and Services

REQUESTED ACTION:

Approve the First Amendment to Agreement for the above contract. Contract Term: May 6, 2014, through June 30, 2018, 4 Years, 1 Month; User Department: Office of Talent Development; Original Award Amount: \$1,377,000; Awarded Vendor(s): Frontline Technologies Group, LLC; M/WBE Vendor(s): None

SUMMARY EXPLANATION AND BACKGROUND:

The School Board of Broward County, Florida, received six (6) proposals for 14-067E - Professional Development Management Software System and Services. This RFP provides a Professional Development Management Software System to manage, track, and outline professional development opportunities via a comprehensive single, sign-on system.

A copy of the RFP documents are available online at:
<http://www.broward.k12.fl.us/supply/agenda/14-067E-Professional-Devlpmt-Mgnt-Software-Sys.pdf>

See Supporting Docs for continuation of Summary Explanation and Background.

The 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.

EXHIBITS: (List)

(1) Continuation of Summary Explanation and Background (2) First Amendment to Agreement (3) Approved ARF 5-6-14 RSBM EE-3 (4) Original Agreement (5) Vendor Letter (6) Frontline W-9

BOARD ACTION:

APPROVED

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Kathryn Sullivan	Phone: 754-321-5009
Name: Ruby Crenshaw	Phone: 754-321-0501

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
 Senior Leader & Title

Maurice L. Woods - Chief Strategy & Operations Officer

Signature

Maurice Woods

Thursday, July 16, 2015 5:45:03 PM

Electronic Signature
 Form #4189 Revised 12/12
 RWR, MLW/RC/KS:lc

JUL 28 2015

Approved In Open Board Meeting On: _____

By: *Donna Fournier*

School Board Chair

CONTINUATION OF SUMMARY EXPLANATION AND BACKGROUND

The awardee provides a professional development management system that enables the District to provide professional development courses to its employees.

On May 1, 2015, Frontline Technologies Group, LLC, acquired My Learning Plan, Inc., through an asset purchase transaction; therefore, an amendment is being presented to make this change.

On June 16, 2015, Section 6.3 of the RFP, Insurance Requirements, was sent to the Risk Management department for review to determine if the requirements for insurance shall remain the same. Risk Management recommended amending Subsection 6.3.3, Professional Liability, which originally stated in the language that the “deductible shall not exceed \$25,000” for this particular insurance requirement. According to Risk Management, this statement shall be removed and all other insurance requirements for this proposal shall remain the same.

RFP Section 6.3, Insurance Requirements, was amended and incorporated in the First Amendment to Agreement to provide revised insurance requirements recommended by Risk Management.

**FIRST AMENDMENT
TO AGREEMENT**

28 ~~27~~ THIS FIRST AMENDMENT TO AGREEMENT is made and entered into as of this 24 day of July, 2015, 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

FRONTLINE TECHNOLOGIES GROUP, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
1400 Atwater Drive
Malvern, PA 19355-8701

WHEREAS, SBBC and My Learning Plan, Inc., entered into an Agreement dated May 6, 2014 (hereinafter referred to as "Agreement") under RFP 14-067E, Professional Development Management Software System and Services a copy of which is attached and incorporated herein as **Attachment A**; and

WHEREAS, VENDOR acquired My Learning Plan, Inc. effective May 1, 2015; and

WHEREAS, the Parties mutually desire to amend the Agreement to substitute VENDOR for My Learning Plan, Inc. in the Agreement; and

WHEREAS, the Parties mutually agree that it is the intention of the Parties that the VENDOR accept any and all liabilities under the Agreement from the inception of the Agreement; and

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. **Amended Provisions.** The name of the VENDOR shall be substituted, by interlineation, for My Learning Plan, Inc. in the Agreement and VENDOR shall be responsible for all duties and responsibilities under the Agreement. Additionally, VENDOR agrees that such duties and responsibilities shall include, but is not be limited to any and all requirements under the Agreement, any and all liabilities of and damages caused by My Learning Plan, Inc. from the inception of the Agreement.

3. Section 2.06 of the Agreement is hereby amended, by interlineation, as follows to replace My Learning Plan Inc. and its address:

TO VENDOR: Frontline Technologies Group, LLC
1400 Atwater Drive
Malvern, PA 19355-8701

4. Section 2.02 of the Agreement is hereby amended as follows:

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, then,
Fourth: Addendum No. 2, then,
Fifth: Addendum No. 1, then,
Sixth: RFP 14-067E – Professional Development Management Software System and Services
Seventh: Proposal submitted in response to the RFP by My Learning Plan, Inc.

5. Section 6.3.3 of the RFP is hereby amended as follows:

Insurance Requirements

6.3.3 PROFESSIONAL LIABILITY: Limits not less than \$1,000,000 per occurrence covering services provided under this contract.

6. VENDOR is responsible to timely amend any and all documents required under the Agreement to substitute its name in the place of My Learning Plan, Inc. and timely submit same to SBBC.

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

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

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

FOR SBBC

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:


Robert W. Runcie, Superintendent of Schools

By 
Donna P. Korn, Chair

Approved as to Form and Legal Content:


Office of the General Counsel

FOR VENDOR

(Corporate Seal)

Frontline Technologies Group, LLC

ATTEST:

By Joel A. Blom

_____, Secretary

-or-
Dawn Blom
Witness

Sarah L. Breyer
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.

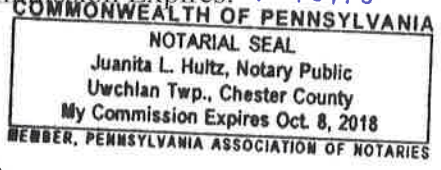
STATE OF Pennsylvania

COUNTY OF Chester

The foregoing instrument was acknowledged before me this 9th day of July, 2015 by Todd A Orlando of Frontline Technologies Group LLC, on behalf of the corporation/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: 10/8/18



(SEAL)

Juanita L. Hultz
Signature – Notary Public

Juanita L. Hultz
Printed Name of Notary

1076011
Notary's Commission No.