

**SECOND AMENDMENT
TO
PROFESSIONAL SERVICES AGREEMENT**

**BETWEEN
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA AND PROJECT
CONSULTANT FOR ARCHITECTURAL/ENGINEERING SERVICES**

This Second Amendment to the Professional Services Agreement ("Agreement") between The School Board of Broward County, Florida (hereinafter referred to as "Owner") and LIVS Associates, LLC (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 21st day of March, 2017, is entered into this 5th day of September, 2018 by and between the Owner and the Project Consultant.

For the project known as: **Margate Middle School
Project No. P.001836
SMART Program Renovations
FLCC: \$5,964,430**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 21st day of March, 2017, is in full force and effect as revised by the First Amendment dated March 20, 2018; and

WHEREAS, Single Point of Entry (SPE) projects are of the highest District priority; and

WHEREAS, it has been determined that the design and construction of the SPE portion of the overall Scope of Work for the Margate Middle School SMART program project should be accelerated; and

WHEREAS, the Design Consultant has agreed to accelerate the SPE portion of the Scope of Work in exchange for additional fees for design services and extended construction administration under the Agreement; and

WHEREAS, CBRE|Heery and District staff have successfully negotiated and hereby recommend such additional fees as set forth herein below.

NOW, THEREFORE, in exchange for the mutual covenants and promises set forth herein and the sums of money agreed to be paid by the Owner to the Project Consultant, the parties agree as follows:

1. **Revised Terms.** The Project Consultant shall accelerate such portion of the SPE Scope of Work for the Project identified herein below in exchange for an increase in its fees totaling \$20,159:

Original Amount	First Amendment Revisions	Amendment #/ Item #	Change Order Category	Description	Second Amendment Amount	Revised Amount
Basic Fees \$503,000	N/A	Basic Fees 002/001	Owner's Request	Increase in Basic Fees to prepare a separate bid package for Single Point of Entry (SPE)	\$14,664	Basic Fees \$523,159
		Basic Fees 002/002	Owner's Request	Increase in Basic Fees to remove SPE Scope of Work from the primary project at Margate MS	\$5,495	
Allowances \$47,500	N/A	N/A	N/A	N/A	N/A	Allowances \$47,500
Supplemental Services \$25,000	N/A	N/A	N/A	N/A	N/A	Supplemental Services \$25,000
Original Total \$575,500					Amendment Total \$20,159	Revised Total \$595,659

2. **Other Provisions Remain in Force.** All other terms and conditions of the Contract shall remain in full force and effect. Except as expressly provided herein and as may have been previously amended, all other portions of the Agreement remain in full force and effect.

3. **Order of Precedence among Agreement Documents.** In the event of conflict between the provisions of the Agreement and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- a) this Second Amendment to Agreement; then
- b) the First Amendment to Agreement; then
- c) the Agreement.

4. **Authority:** Each person signing this Second Amendment on behalf of either party warrants that he or she has full legal power to execute this Second 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 Second Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to be executed and their Corporate Seal affixed by and through their proper offices, thereunto duly authorized on this day and year first above written.

FOR OWNER

(Corporate Seal)


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

ATTEST:

By _____
Nora Rupert, Chair

Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:



Office of the General Counsel

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FOR PROJECT CONSULTANT



(Corporate Seal)

ATTEST:

, Secretary

LIVS Associates, LLC

Felix A Rosabal, Manager

-or-

Georgina A. de la Vega, Witness

Nicole Gonzalez, Witness

AP0014717
Project Consultant's
Registration Number

STATE OF FLORIDA)
)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 16th day of August, 2018 by FELIX A. ROSABAL of LIVS Associates, LLC on behalf of the corporation or agency.

He/she is personally known to me or produced _____
as Identification and did/did not first take an oath.

My commission expires: 1/24/22

(SEAL)



Cristina Ojeda
Commission # GG178930
Expires: January 24, 2022
Bonded thru Aaron Notary

Signature, Notary Public

Cristina Ojeda

Printed Name of Notary