



ADDED ITEM

AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:

JJ-6.

MEETING DATE: 2018-09-05 10:05 - School Board Operational Meeting

AGENDA ITEM: ITEMS

CATEGORY: JJ. OFFICE OF FACILITIES & CONSTRUCTION

DEPARTMENT: Facilities Pre-Construction

Special Order Request
 Yes No

Time

Open Agenda
 Yes No

TITLE:
Second Amendment to Professional Services Agreement - LIVS Associates, LLC - Margate Middle School - Margate - Project No. P.001836 - Single Point of Entry - RFQ 17-102C

REQUESTED ACTION:
Approve the Second Amendment to the Professional Services Agreement dated March 21, 2017, with LIVS Associates, LLC, Margate Middle School, Project No. P.001836, Single Point of Entry, RFQ 17-102C, in the amount of \$20,159.

SUMMARY EXPLANATION AND BACKGROUND:
Purpose of the Amendment: See Executive Summary (Exhibit 1).
This Amendment 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:
This project has been appropriated in the Adopted District Educational Facilities Plan (September 6, 2017). There is no current impact to the project budget. There is a potential future impact to the project budget based on the additional scope approved in this item.

EXHIBITS: (List)
(1) Executive Summary (2) Second Amendment (3) Collaboration Form

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

SOURCE OF ADDITIONAL INFORMATION:
Name: Shelley N. Meloni, Director Phone: 754-321-1515
Name: Robert C. Corbin, CBRE I Heery Director Phone: 754-321-4850

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

Leo Bobadilla - Chief Facilities Officer

Signature
Leo Bobadilla Jr
8/30/2018 5:16:24 PM

Approved In Open Board Meeting On:

SEP 05 2018

By: *Heather P. Brinkman*
School Board Chair

EXECUTIVE SUMMARY

**Second Amendment to Professional Services Agreement
LIVS Associates, LLC
Margate Middle School, Margate
Project No. P.001836
Single Point of Entry
RFQ 17-102C**

PROJECT OVERVIEW:

Type of Contract:	Second Amendment to Professional Services Agreement
Contractor:	LIVS Associates, LLC
Notice to Proceed Date:	Pending Board Approval
Budget:	See Below

GENERAL OVERVIEW:

The purpose of this Second Amendment to the Professional Services Agreement with LIVS Associates, LLC, is to increase fees in the amount of \$20,159 in order to develop a separate bid package to accelerate the schedule for the Single Point of Entry scope of work at Margate Middle School. The Professional Services Agreement was approved by the Board on March 21, 2017 (Agenda Item JJ-5).

This Amendment has been reviewed and approved as to form and legal content by the Office of the General Counsel.

For the latest Bond Oversight Committee Quarterly Report information regarding this project [click here](#).

**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**

By *Nora P. Rupert* Sr
Nora Rupert, Chair

ATTEST:

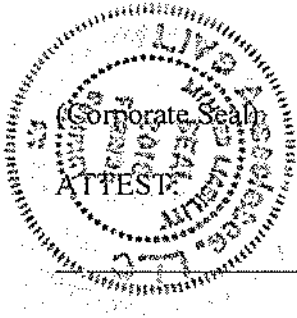
Robert W. Runcie
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

M. C. [Signature]
Office of the General Counsel

(Remainder of page intentionally left blank)

FOR PROJECT CONSULTANT



_____, Secretary

LIVS Associates, LLC

[Signature]
Felix. A Rosabal, Manager

-or-

[Signature]
_____, Witness
Georgina A. de la Vega

[Signature]
_____, Witness
Nicole Gonzalez

AR0014717
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]

Signature, Notary Public

Cristina Ojeda

Printed Name of Notary

COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-6/Second Amendment to Professional Services Agreement
LIVS Associates, LLC
Margate Middle School, Margate
Project No. P.001836
Single Point of Entry
RFQ 17-102C

School Board Meeting: 09/05/2018

The financial impact of this item is \$20,159

- () This project has not been appropriated in the Adopted District Educational Facilities Plan (September 6, 2017). These funds in the amount of \$_____ will come from the Capital Projects Reserve.
() These projects have been appropriated in the Adopted District Educational Facilities Plan (September 6, 2017). There is no impact to the project budget.
(*) This project has been appropriated in the Adopted District Educational Facilities Plan (September 6, 2017). There is no current impact to the project budget. There is a potential future impact to the project budget based on the additional scope approved in this item.
() This project has been appropriated in the Adopted District Educational Facilities Plan (September 6, 2017). There is an additional impact to the project budget. These funds in the amount of \$_____ will come from the Capital Projects Reserve.
() Comments:

Department Name

Department Head

Department Head

Capital Budget

Omar Shim, Director

Handwritten signature and date 8/21/2018

Note: By signing this collaboration the Capital Budget Department is acknowledging that the budget impact as stated is correct. Other aspects of the agenda item are the responsibility of the department submitting the item.