



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2018-11-07 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	JJ. OFFICE OF FACILITIES & CONSTRUCTION
DEPARTMENT	Facilities Pre-Construction

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

ITEM No.:

JJ-3.

**TITLE:**

Third Amendment to the Professional Services Agreement - Williamson Dacar Associates Inc. - Quiet Waters Elementary School - Deerfield Beach - Project No. P.001754 - SMART Program Renovations - RFQ 16-145C

**REQUESTED ACTION:**

Approve the Third Amendment to the Professional Services Agreement dated August 16, 2016, with Williamson Dacar Associates Inc., Quiet Waters Elementary School, Project No. P.001754, SMART Program Renovations, RFQ 16-145C, in the amount of \$109,994.

**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:**

The financial impact to the Third Amendment to the Professional Services Agreement is \$109,994. This project has been appropriated in the Adopted District Educational Facilities Plan (September 5, 2018). There is no current impact to the project budget.

**EXHIBITS: (List)**

(1) Executive Summary (2) Third 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: Daniel Jardine, CBRE I Heery Director	Phone: 754-321-4850

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

Leo Bobadilla - Chief Facilities Officer

Approved In Open Board Meeting On: **NOV 07 2018**

By:   
School Board Chair

Signature

Frank L. Girardi  
 10/26/2018, 2:18:18 PM

**EXECUTIVE SUMMARY**

**Third Amendment to Professional Services Agreement  
Williamson Dacar Associates Inc.  
Quiet Waters Elementary School, Deerfield Beach  
Project No. P.001754  
SMART Program Renovations  
RFQ 16-145C**

**PROJECT OVERVIEW:**

<b>Type of Contract:</b>	<b>Professional Services Agreement</b>
<b>Project Consultant:</b>	<b>Williamson Dacar Associates Inc.</b>
<b>Notice to Proceed Date:</b>	<b>Pending Board Approval</b>
<b>Budget:</b>	<b>See Below</b>

**GENERAL OVERVIEW:**

The Professional Services Agreement for Quiet Waters Elementary School was approved by the Board on August 16, 2016. Per the terms of the Agreement, the initial Project Consultant's Basic Fees of \$274,000 was established as a percentage (8.85%) of the initial construction budget (\$3,095,117) using the fee chart located in Attachment 6.b of the Agreement.

The Agreement includes terms that the Design Professional's Fee shall be based upon the awarded construction contract amount and that the initial Fee shall be adjusted for any scope changes and construction cost increases approved by the Owner.

On August 7, 2018, the Board approved the award of the Construction Agreement to Anatom Construction Company for the lump sum of \$4,799,926 as well as the approval of additional funding in the amount of \$1,576,000. A portion of the \$1,576,000 was used to increase the Fixed Limit of Construction Cost (FLCC) from \$3,095,117 to \$4,799,926.

On September 18, 2018, the Board approved the Second Amendment to the Professional Services Agreement with Williamson Dacar Associates, Inc. The purpose of the Amendment was to address the fire sprinkler scope change. Basic Services fees were increased in the amount of \$1,750 to remove the fire sprinkler scope from Buildings 3, 4, 5, 6, 8, and 80, and a decrease in Basic Services fees in the amount of \$6,670 (for associated construction administration services) resulted in a net total credit of \$4,920.

This Third Amendment to the Professional Services Agreement with Williamson Dacar Associates Inc., is to address the Project Consultant's request for an Amendment to increase the Basic Fees by the amount of \$109,994 based on the construction cost increase that was approved by the Board on August 7, 2018. With the Board's approval of this Third Amendment, the final resulting Basic Services Fee will be \$379,074 which is 7.90% of the revised FLCC amount of \$4,799,926.

The Professional Services Agreements for the initial 44 SMART Projects that were commenced contained similar terms. Since that time, Professional Services Agreements have been negotiated on a level of effort and Basic Service Fees are a fixed fee amount.

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](#).

**THIRD AMENDMENT  
TO  
PROFESSIONAL SERVICES AGREEMENT**

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

This Third Amendment to the Professional Services Agreement ("Agreement") between The School Board of Broward County, Florida (hereinafter referred to as "Owner") and WILLIAMSON DACAR ASSOCIATES INC. (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 16<sup>th</sup> day of August, 2016, is entered into this 7<sup>th</sup> day of November, 2018 by and between the Owner and the Project Consultant.

For the project known as: **Quiet Waters Elementary School  
Project No. P.001754  
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 16<sup>th</sup> day of August, 2016, is in full force and effect as revised by the First Amendment dated March 20, 2018, by the Second Amendment dated September 18, 2018 and this Third Amendment; and

WHEREAS, the previously approved Second Amendment to the Agreement contained a scrivener's error incorrectly identifying the Agreement date as October 18, 2016; and

WHEREAS, the parties agree that the correct Agreement date is August 16, 2016; and

WHEREAS, pursuant to Article 1.5.1.4 of the Agreement, the initial Project Consultant's fee for the Project was established as a percentage of the initial construction budget using the fee chart located in Attachment 6.b of the Agreement; and

WHEREAS, pursuant to Article 1.5.1.4 and Attachment 6.b of the Agreement, the initial Project Consultant's fee for the Project of \$274,000 was established as 8.85% of the original Fixed Limit of Construction Cost (FLCC) of \$3,095,117; and

WHEREAS, pursuant to Article 2.1.2 of the Agreement, the Design Professional's fee shall be based upon the awarded contract amount and shall be adjusted for any project scope changes and construction cost increases approved by the Owner; and

WHEREAS, on August 7, 2018 the Board approved the recommendation to award the Construction Agreement for this Project to Anatom Construction Company for a lump sum of \$4,799,926, in addition to approving additional funding in the amount of \$1,576,000; and

WHEREAS, a portion of this additional funding was used to increase the FLCC from \$3,095,117 to \$4,799,926; and

WHEREAS, pursuant to Article 2.1.2 and Attachment 6.b of the Agreement, the Project Consultant has requested an Amendment based on the increase to the FLCC that will increase basic fees by the amount of \$109,994; and

WHEREAS, CBRE | Heery and Atkins North America, Inc. have evaluated this request and determined that the increase is fair and reasonable based on Attachment 6.b of the Agreement which contains a fee percentage table based on construction contract ranges and project complexity.

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. The recitals contained herein are true and correct and are incorporated herein by reference.
2. **Correction of Scrivener's Error.** The Agreement date incorrectly identified in the Second Amendment is deleted and replaced with the correct Agreement date of August 16, 2016.
3. **Revised Terms.** The Project Consultant shall receive additional compensation for basic fees as set forth below:

	Original PSA Amounts	First Amendment Revisions	Second Amendment Revisions	Description	Third Amendment Revisions	Revised Amounts
Basic Fees	\$274,000	N/A	-\$4,920	Adjustment Associated with Increase to FLCC	\$109,994	\$379,074
Allowances	\$30,000	N/A	N/A	N/A	N/A	\$30,000
Supplemental Services	N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTAL</b>	<b>\$304,000</b>					<b>\$409,074</b>

4. **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.

5. **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:

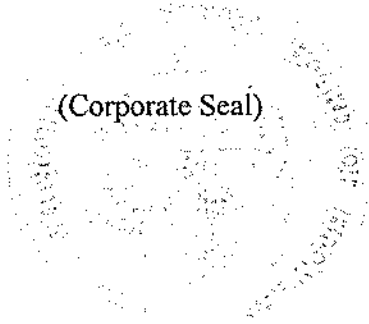
- a) this Third Amendment to Agreement; then
- b) the Second Amendment to Agreement; then
- c) the First Amendment to Agreement; then
- d) the Agreement.

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

IN WITNESS WHEREOF, the parties hereto have caused this Third 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**

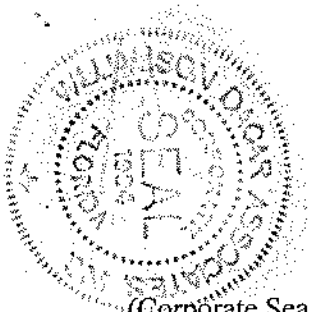
By *Nora Rupert*  
Nora Rupert, Chair

ATTEST:

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

Approved as to Form and Legal Content:

*M. Cooney*  
Office of the General Counsel



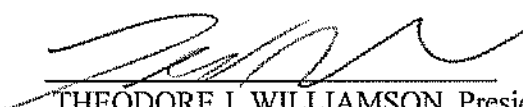
(Corporate Seal)

**FOR PROJECT CONSULTANT**

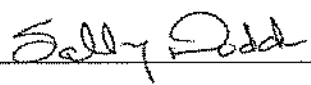
**WILLIAMSON DACAR ASSOCIATES INC.**

ATTEST:

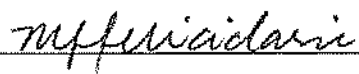
\_\_\_\_\_  
, Secretary

  
\_\_\_\_\_  
THEODORE J. WILLIAMSON, President

-or-

  
\_\_\_\_\_

, Witness

  
\_\_\_\_\_

MICHAELA FEVICIDARI Witness

AA 0002541  
Project Consultant's  
Registration Number

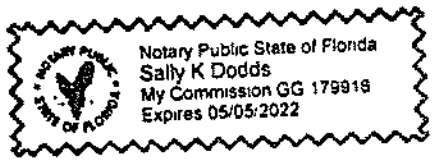
STATE OF FLORIDA     )  
                                  )  
COUNTY OF BROWARD )

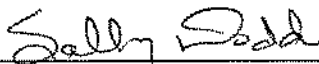
The foregoing instrument was acknowledged before me this 15 day of October, 2018 by THEODORE J. WILLIAMSON of WILLIAMSON DACAR ASSOCIATES INC. on behalf of the corporation or agency.

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

My commission expires:

(SEAL)



  
\_\_\_\_\_  
Signature, Notary Public

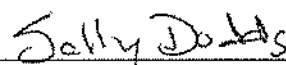
  
\_\_\_\_\_  
Printed Name of Notary

EXHIBIT 3

COLLABORATION


SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-3./Third Amendment to Professional Services Agreement  
Williamson Dacar Associates Inc.  
Quiet Waters Elementary School, Deerfield Beach  
Project No. P.001754  
SMART Project Renovations  
RFQ 16-145C

School Board Meeting: 11/07/2018

The financial impact of this item is \$109,994

- ( ) This project has not been appropriated in the Adopted District Educational Facilities Plan (September 5, 2018). These funds in the amount of \$ \_\_\_\_\_ will come from the Capital Projects Reserve.
- (X) This project has been appropriated in the Adopted District Educational Facilities Plan (September 5, 2018). There is no impact to the project budget.
- ( ) This project has been appropriated in the Adopted District Educational Facilities Plan (September 5, 2018). 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 5, 2018). There is an additional impact to the project budget. These funds in the amount of \$ \_\_\_\_\_ will come from the Capital Projects Reserve.
- ( ) Comments:

<u>Department Name</u>	<u>Department Head</u>	<u>Department Head</u>
Capital Budget	Omar Shim, Director	 10/17/2018
		Signature Date

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.