



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2018-12-18 10:05 - Regular School Board Meeting
AGENDA ITEM	ITEMS
CATEGORY	JJ. OFFICE OF FACILITIES & CONSTRUCTION
DEPARTMENT	Facilities Pre-Construction

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

ITEM No.:
JJ-7.

TITLE:

Third Amendment to Professional Services Agreement (Construction Management at Risk Project Delivery) - ACAI Associates, Inc. - Northeast High School - Oakland Park - Project No. P.001684 - SMART Program Renovations - RFQ 16-194C

REQUESTED ACTION:

Approve the Third Amendment to the Professional Services Agreement (Construction Management at Risk Project Delivery) dated August 16, 2016, with ACAI Associates, Inc., Northeast High School, Project No. P.001684, SMART Program Renovations, RFQ 16-194C, in the amount of \$37,597.

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 5, 2018). There is no 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

Signature

Frank L. Girardi
12/7/2018, 2:42:44 PM

Approved In Open Board Meeting On:

DEC 18 2018

By: *Heather P. Brinkwood*
School Board Chair

EXECUTIVE SUMMARY

**Third Amendment to Professional Services Agreement
(Construction Management at Risk Project Delivery)**

**ACAI Associates, Inc.
Northeast High School, Oakland Park
Project No. P.001684
SMART Program Renovations
RFQ 16-194C**

PROJECT OVERVIEW:

Type of Contract:	Professional Services Agreement (CMAR Delivery)
Project Consultant:	ACAI Associates, Inc.
Authorization to Proceed Date:	October 19, 2016
Budget:	See Below

GENERAL OVERVIEW:

The Professional Services Agreement (Construction Management at Risk Project Delivery) with ACAI Associates, Inc. was approved by the Board on August 16, 2016 (Agenda Item JJ-6).

The purpose of this Third Amendment to the Professional Services Agreement, is to modify the original project scope based on directions received from the Board at the Special Board meeting held on July 31, 2018 (Agenda Item 2). Modifications to the existing Construction Documents include removing all scope associated with Buildings 8, 9, 10, 11 and 27, removal of all scope associated with Building 12 with the exception that the roof replacement scope and weight room scope shall remain, and removal of the HVAC scope associated with Building 7.

Approval of this Third Amendment will result in an increase to the Basic Fees in the amount of \$37,597. Included in this amount is \$25,277 to remove the scopes referenced above, \$17,600 for participation in an additional bid phase and a credit of \$5,280 for the warranty phase associated with the scope reduction.

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 ACAI ASSOCIATES, INC. (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 16th day of August, 2016, is entered into this 18th day of December, 2018 by and between the Owner and the Project Consultant.

For the project known as: **Northeast High School
Project No. P.001684
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 16th day of August, 2016, is in full force and effect as revised by the First Amendment dated May 2, 2017 and by the Second Amendment dated June 27, 2017; and

WHEREAS, at the Special Board Meeting held on July 31, 2018 (Agenda Item # 2), Board approval was received to modify the SMART Program improvements at Northeast High School; and

WHEREAS, the effect of the above Board approval requires modifications to the existing Construction Documents to remove all scope associated with Buildings 8, 9, 10, 11 and 27; and

WHEREAS, the effect of the above Board approval requires modifications to the existing Construction Documents to remove all scope associated with Building 12 with the exception that the roof replacement scope and weight room scope shall remain; and

WHEREAS, the effect of the above Board approval requires modifications to the existing Construction Documents to remove all Building 7 HVAC scope; and

WHEREAS, the Project Consultant shall be required to obtain a new Building permit after making the changes to the Construction Documents and to participate in an additional bidding phase; and

WHEREAS, the Project Consultant has agreed to provide a credit for the Warranty Phase associated with the scope that was removed; and

WHEREAS, the Project Consultant has agreed to the change in Basic Services requirements as requested by the Owner in exchange for additional fees for design services.

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. **Revised Terms.** This Third Amendment to the agreement will result in a net increase to the Project Consultant's Basic Fees in the amount of \$37,597 as set forth below:

Original Amount	First Amendment Revisions	Second Amendment Revisions	Amendment #/ Item #	Change Order Category	Description	Third Amendment Revisions	Revised Amount
Basic Fees \$880,000	\$30,300	N/A	003/001	Owner's Request	Increase to remove all scope associated with Buildings 8, 9, 10, 11 and 27 and partial scope from Buildings 7 and 12	\$25,277	\$947,897
			003/002	Owner's Request	Increase for performing an additional bidding phase	\$17,600	
			003/003	Owner's Request	Credit for Warranty phase for the reduction in scope	(\$5,280)	
Allowances \$75,000	N/A	\$16,500	N/A	N/A	N/A	N/A	\$91,500
Supplemental Services N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Original Total \$955,000	\$30,300	\$16,500	---	---	---	\$37,597	Revised Total \$1,039,397

3. **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.

4. **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.

5. **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.

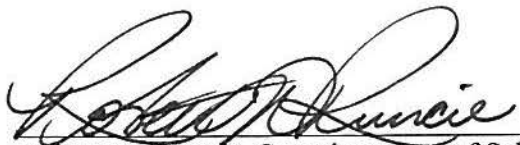
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FOR OWNER

(Corporate Seal)

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

ATTEST:



Robert W. Runcie, Superintendent of Schools

By



Heather P. Brinkworth, Chair

Approved as to Form and Legal Content:



Office of the General Counsel

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FOR PROJECT CONSULTANT

(Corporate Seal)

ATTEST:

_____, Secretary

ACAI ASSOCIATES, INC.

Adolfo J JR. Cotilla, President

-or-

Donald Wilkin, Witness

Jennifer Shields, Witness

AR 8011
Project Consultant's
Registration Number

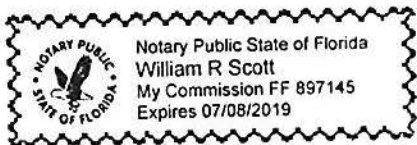
STATE OF FLORIDA)
)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 12th day of NOVEMBER, 2018 by Adolfo J JR. Cotilla of ACAI 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: 07.08.2019

(SEAL)



William R. Scott
Signature, Notary Public

WILLIAM R. SCOTT
Printed Name of Notary

COLLABORATION

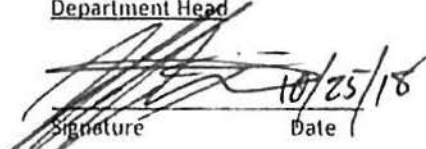
SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-7. /Third Amendment to Professional Services Agreement
(Construction Management at Risk Project Delivery)
ACAI Associates, Inc.
Northeast High School, Oakland Park
Project No. P.001684
SMART Program Renovations
RFQ 16-194C

School Board Meeting: 12/18/2018

The financial impact of this item is \$37,597

- 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.
- 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	 Signature Date 10/25/18

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.