



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
JJ-6.

MEETING DATE	2019-08-06 10:05 - School Board Operational 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

TITLE:

Third Amendment and Third Renewal of Program Manager - Cost and Program Controls Services Agreement - Atkins North America, Inc. - RFQ 15-114C

REQUESTED ACTION:

Approve the Third Amendment and Third Renewal of the Agreement for Program Manager Services, Cost and Program Controls, Atkins North America, Inc.

SUMMARY EXPLANATION AND BACKGROUND:

See Executive Summary (Exhibit 1) for details.
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: Safe & Supportive Environment Goal 3: Effective Communication

FINANCIAL IMPACT:

This Third Amendment and Third Renewal of the Program Manager Cost and Program Controls Services Agreement will result in a financial impact of a not-to-exceed amount of \$3,137,174. Funding for the Cost and Program Controls Services Agreement is included in the individual SMART Program construction project budgets and is included in the Adopted District Educational Facilities Plan (September 5, 2018).

EXHIBITS: (List)

(1) Executive Summary (2) Third Amendment (3) Previously Approved ARFs (4) 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: Frank Girardi, Executive Director Cap. Prog	Phone: 754-321-1525

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

Frank Girardi - Executive Director

Signature
Frank L. Girardi
7/29/2019, 10:50:16 AM

Approved In Open Board Meeting On: AUG 06 2019
By: *Heather P. Burkwood*
School Board Chair

EXHIBIT 1

EXECUTIVE SUMMARY

Background

On September 16, 2015, the District negotiated and entered into a contract with Atkins North America, Inc. (Atkins) to provide Program Manager – Cost and Program Control Services (CPCM) for the District's SMART program. The original contract term was for a three-year period with the agreement allowing for extension of two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. The initial three-year period expired on September 16th, 2018, and Atkins received a 45-day extension for time only and an amendment for the remainder of the First additional renewal year. This Amendment is for the Second additional extension year.

Atkins' Base Contract also included a commitment to 45% M/WBE participation in its original proposal and has committed to continue this commitment in this amendment.

Atkins' proposal for this Third Amendment is \$3,137,174 which includes \$2,831,145 of CPCM labor, \$10,000 in reimbursable expenses, and \$296,029 for the e-Builder project management software with site licensing model. This one (1) year renewal will result in a total proposed, not-to-exceed amount of \$12,360,747 for Year 1 through Year 5 of the Agreement.

Services

Since coming on board in September 2015, the Atkins team has supported moving the SMART Program forward with the following value-add CPCM services that will continue through this third extension, Year 5:

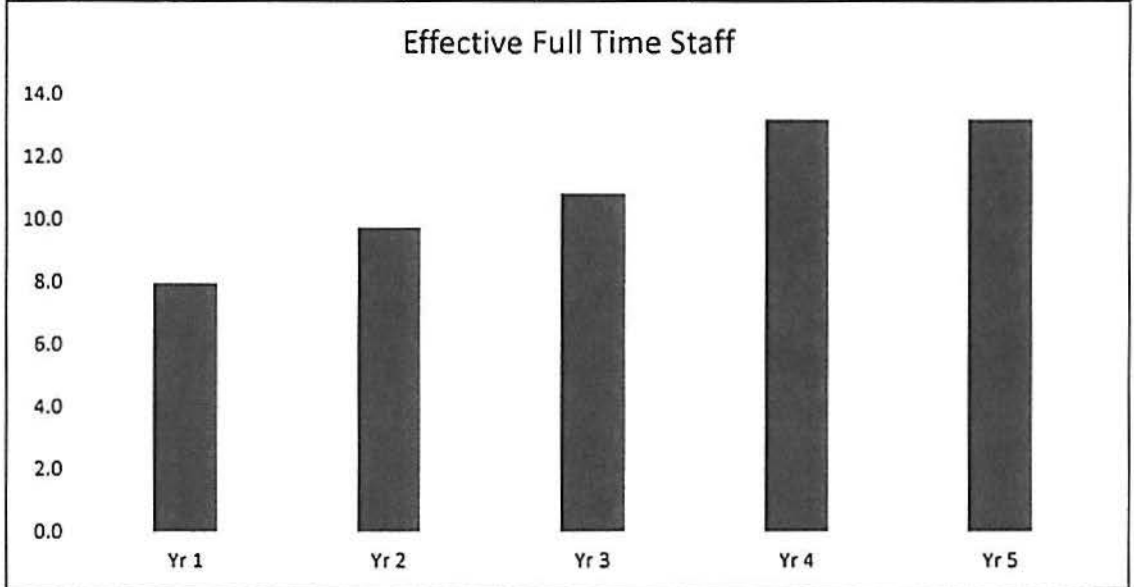
- Continue to provide the District with reviews on program cost risks and market conditions and work with District Capital staff on recommended Program reserves for cost risks
- Continue to provide the District with a monthly cost loaded Program Master Schedule for reporting, including project commitment and cash flow projection information based on Master Program Schedule and projected budgets; provide cash flow analyses to Chief Financial Officer to assist in identifying timelines for sale of bond tranches
- Check and balance Cost Review/Validation for projects at design stages, reporting on variances from original budgets as well as verifying that the ADEFP scope is what is being designed
- Continue to support negotiations for design fees and CMAR proposals
- Continue to analyze actual bids received to advise on reasonableness, and collect data for future estimates and risk analysis
- Provide Change Order Reviews and construction claims support on District projects to ensure that they are in conformance with the contract and are equitable
- Provide development and support/input to Bond Oversight Committee reports and meetings

- Continue to support the use of the e-Builder software on the program through development, training and customer support
- Continue to train Broward Schools student summer interns in project controls, scheduling and estimating

CPCM Staffing

Year 5 proposed staffing includes extending the current staff positions for Year 5 with minor modifications to continue to perform the core services as well as meet the needs of a changing program. Atkins has streamlined its cost review/validation; reporting and analysis to provide the most efficient effort for these elements and has used non-core staff sparingly and only as needed to meet program deliverables. Atkins’ proposed staffing plan, shown below, includes the current staffing and proposed staffing:

Role	Current Staffing	Proposed Staffing	Justification
Senior Staffing	1.1	1.1	Maintain Current Level
Scheduling/ Program Reporting	2.0	3.0	Additional Resource Needed for Construction Schedule Review
Systems/ Software	3.0	3.0	Maintain Current Level
Cost and Change Order Review/ Validation	5.5	5.0	Design Estimates are ramping down while demand is increasing for Change Order reviews
Risk Management and Market Analysis	0.2	0.2	Maintain Current Level
Program Support	1.4	0.9	Student interns and one (1) part-time resource



Evaluation

In FY19 Q1, the Office of Facilities and Construction (OFC) developed an evaluation rubric with the Office of Strategic Initiative Management that would tie performance domains to more explicit descriptors and objective evidence. After development, OFC staff is currently finalizing an evaluation of Atkins for FY19 Q4. Additionally, OFC staff conducts weekly meetings with Atkins to review program objectives and project progress. Furthermore, communication with OFC staff and Atkins are ongoing daily occurrences.

In FY19 Q3 RSM US LLP conducted an internal audit and review of Atkins's Program Management function as it relates to processes, Bond Oversight Committee reporting and compliance with deliverables. RSM and Atkins reviewed the audit findings and a report was sent to the Office of the Chief Auditor and the Audit Committee on June 20, 2019.

Conclusion

Atkins has an experienced team of project controls professionals including our 45% M/WBE partners that will continue to provide SBBC critical services to manage scope, cost and schedule as the SMART Program continues.

At this stage in the SMART Program and based on current performance, it is recommended that Atkins continue to provide CPCM services for Year 5 of the Agreement. This will continue to maintain clear accountability in execution and delivery of the program. Atkins is submitting this proposal of a not-to-exceed amount of \$3,137,174 for extension of the Agreement for a 5th year, and to formally incorporate supplemental services, as outlined above.

The funding for this request for additional Program Manager – CPCM Services Agreement is included in the individual SMART Program construction project budgets and is included in the Adopted District Educational Facilities Plan.

EXHIBIT 2

AMENDMENT TO AGREEMENT FOR PROGRAM MANAGER/COST and PROGRAM CONTROL SERVICES

between
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
and
ATKINS NORTH AMERICA, INC.

THIS THIRD AMENDMENT to the Program Manager/Cost and Program Controls Services Agreement by and between The School Board of Broward County, Florida ("SBBC") and Atkins North America, Inc. ("Atkins") dated September 16, 2015 (the "Agreement"), is hereby entered into this _____ day of _____ 2019.

WHEREAS, the SBBC and Atkins acknowledge and agree that the Agreement is in full force and effect as revised by the First Amendment dated September 5, 2018, the Second Amendment dated October 16, 2018; and this Third Amendment; and

WHEREAS, the First Amendment, among other things, provided for the Parties, via mutual agreement, to extend the term of the Agreement as follows: *First Renewal Period* – September 17, 2018 through and including November 1, 2018 (45 days), *Second Renewal Period* – November 2, 2018 through and including September 17, 2019 (320 days), *Third Renewal Period* – September 18, 2019 through and including September 17, 2020 (365), and an additional one hundred eighty (180) day period beyond the conclusion of the Third Renewal Period; and

WHEREAS, the parties mutually desire to extend the term of the Agreement by exercising their option for the Third Renewal Period for an additional three hundred sixty five (365) days (the "Third Renewal Period") commencing on September 20, 2019 through and including September 17, 2020 at a fee referenced herein.

NOW THEREFORE, in exchange for the mutual covenants and promises set forth herein and other good and valuable consideration, the parties agree as follows:

1. The recitals contained herein are true and correct and are incorporated herein by reference.
2. **Exercise of Third Renewal Period.** The parties agree to exercise the Third Renewal Period as revised through this Third Amendment and to extend the term of the Agreement from September 20, 2019 through and including September 17, 2020.
3. **Scope of Services and Fees.** Atkins's scope of services shall remain unchanged and Fees as defined in the Agreement are hereby increased to include the time frame of the Third Renewal Period identified within the "*Atkins Year 5 Staffing Plan*" (the "Staffing Plan"), attached hereto and incorporated herein as **Attachment B**.
4. Atkins's fees shall be increased as set forth in the Staffing Plan by a not-to-exceed

amount of **Three Million One Hundred Thirty-Seven Thousand, One Hundred Seventy-Four Dollars and 00/100 Cents (\$3,137,174.00)** for the term of this Third Amendment. The total not-to-exceed amount for years one through five of the Agreement and all Amendments shall not exceed **Twelve Million, Three Hundred Sixty Thousand, Seven Hundred Forty-Seven Dollars and 00/100 Cents (\$12,360,747.00)**.

5. Upon agreement between Atkins and the Chief Facilities Officer or his/her designee, and without further action by the SBBC, the fees set forth in the Staffing Plan may be adjusted by reallocating amounts amongst and between Staffing Groups and Contract Years as deemed appropriate.

6. **Amended Provision.** The following provision shall be added to the Agreement, by interlineation:

2.16 The SBBC and RSM US LLP shall conduct separate evaluations of Atkins on a quarterly basis to measure Atkins' performance. Said evaluations shall be communicated to Atkins to identify areas for betterment and shall be used as basis for continuous improvement.

7. **Other Provisions Remain in Force.** All other terms and conditions of the Agreement 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.

8. **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 the Agreement; then
- d) the Agreement.

9. **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 made and executed this Third Amendment to Agreement on the day and year first above written.


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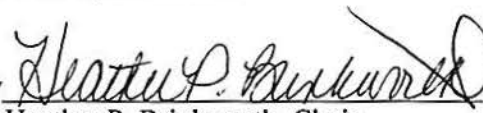
FOR SBBC

(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:

Digitally signed by Kathelyn Jacques-
Adams, Esq. - kathelyn.jacques-
adams@gbrowardschools.com
Reason: Atkins North America, Inc. -
Third Amendment (4)
Date: 2019.07.25 14:50:22 -04'00'



Office of the General Counsel

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FOR ATKINS NORTH AMERICA, INC.



Rene de los Rios
Rene de los Rios, Assistant Secretary

ATKINS NORTH AMERICA, INC.

By David J. Carter
David J. Carter, Senior Vice President

-or-

Gumilet Ober
Witness

[Signature]
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 FLORIDA

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged by for me this 12 day of July, 2019, by David J. Carter of Atkins North America, Inc., on behalf of the corporation or agency, who is personally known to me and did/did not first take an oath.

My commission expires: 3/15/2021



[Signature]
Signature – Notary Public
Amparo A. Gonzalez
Printed Name of Notary

	AMPARO A. GONZALEZ MY COMMISSION # GG 083290 EXPIRES: March 15, 2021 Bonded Thru Notary Public Underwriters
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School Board of Broward County
 Program Manager - Cost and Program Control Services



Year 5 Services, Not to Exceed Proposal

Position	Contract Year 1	Contract Year 2	Contract Year 3	Contract Year 4	Year 5 Total
Senior Staffing	\$370,440	\$353,304	\$352,304	\$374,197	\$456,799
Scheduling	\$442,915	\$442,915	\$442,915	\$452,036	\$711,056
Systems/ Software	\$468,720	\$372,960	\$325,080	\$425,957	\$503,225
Cost Review/ Validation	\$553,643	\$553,643	\$553,643	\$830,181	\$893,007
Risk Mgmt & Market Analysis	\$87,066	\$65,646	\$44,982	\$58,311	\$46,683
Program Cost Analysis/ Misc	\$195,302	\$161,785	\$136,577	\$304,255	\$201,474
Summer Interns	\$20,286	\$20,286	\$20,286	\$16,632	\$18,900
Subtotal Labor Cost	\$2,138,372	\$1,970,539	\$1,875,787	\$2,461,568	\$2,831,145

Reimbursable Expenses (badging, reproduction, pre-approved travel/ lodging, special software, etc) \$10,000

e-Builder, Year 5, Site License Model \$296,029

Total: Year 5 Option, Not to Exceed Proposal **\$3,137,174**

CONTRACT TOTALS TO DATE	
Total Contract Year 1-3	\$6,456,073
Total Contract Year 4	\$2,767,500

Cost Proposal Assumptions

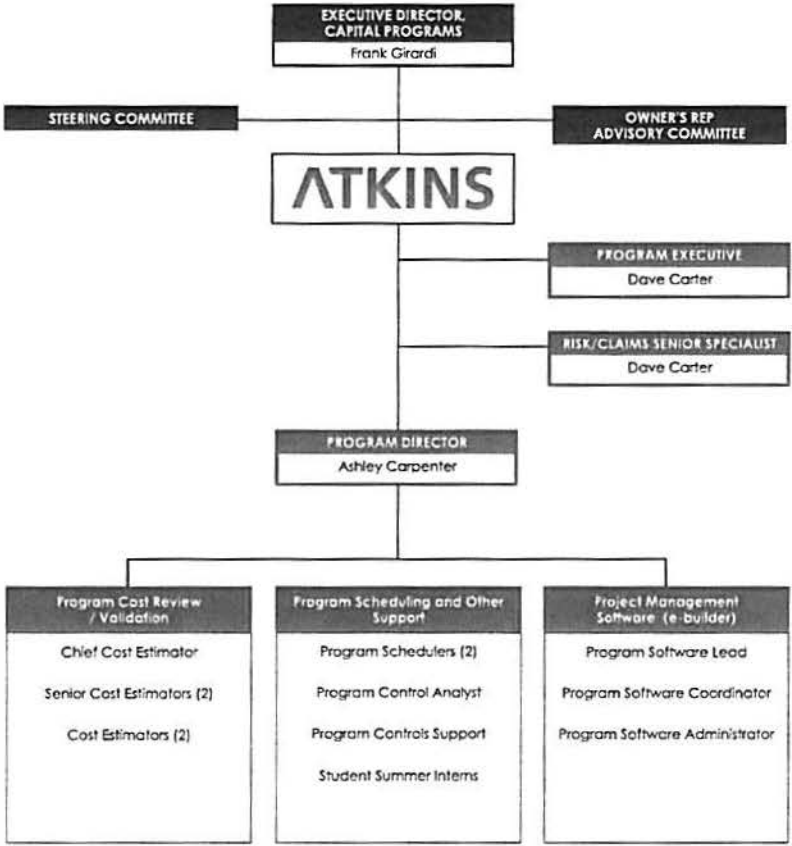
Team staff will be supplied with Atkins (and subconsultants) provided computers and cell phone with industry standard scheduling and cost estimating software. Fee excludes lease and furniture costs, assumes SBBC will provide office space and furniture.

CMS staff will be housed in CMS offices in Broward County, and will be at all meetings and coordination required at District Offices (at no additional cost to the District). Free on-site parking provided by SBBC for staff located at SBBC offices.

e-Builder

Site license model will include unlimited licenses to allow for not only District Facilities staff, OR staff, CPCM staff, and other District departments, but also vendors. This allows for collaboration throughout the project lifecycle. There are currently over 550 licenses being used.

SMART PROGRAM CONTROLS TEAM





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 checked="" type="radio"/> Yes	<input type="radio"/> No

ITEM No.:
EE-5.

MEETING DATE	Sep 16 2015 10:15AM - Regular School Board Meeting
AGENDA ITEM	OPEN ITEMS
CATEGORY	EE. OFFICE OF STRATEGY & OPERATIONS
DEPARTMENT	Procurement & Warehousing Services

TITLE:
Recommendation of \$500,000 or Greater - 15-114C - Program Manager/Cost and Program Controls Services

REQUESTED ACTION:
Approve the recommendation to award the above RFP. Contract Term: September 17, 2015, through September 16, 2018, 3 Years; User Department: Facilities Office; Award Amount: \$6,456,073; Awarded Vendor(s): Atkins North America, Inc.; MAYBE Participation: (See page 3 of Executive Summary)

SUMMARY EXPLANATION AND BACKGROUND:
The School Board of Broward County, Florida, received three (3) proposals in response to RFP 15-114C - Program Manager/Cost and Program Controls Services. This request is to recommend award to Atkins North America, Inc., to provide Cost and Program Controls Services. A copy of the RFP documents are available online at: <http://www.broward.k12.fl.us/supply/agenda/15-114C-Supporting-Documentation.pdf> A copy of the complete RFP documents are available at the School Board members' office on the 14th floor of the K.C. Wright Administration Center.

This 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:
The estimated financial impact to the District will be \$6,456,073 for the initial three (3) year period. The funding source will come from Capital Funding. The financial impact amount represents an estimated contract value; however, the amount authorized will not exceed the estimated contract award amount.

EXHIBITS: (List)
(1) Executive Summary (2) Agreement (3) Supporting Documentation (4) Recommendation Tabulation

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

SOURCE OF ADDITIONAL INFORMATION:	
Name: Jeffroy Moquin	Phone: 754-321-2650
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
Friday, September 04, 2015 6:53:19 PM

Approved in Open Board Meeting On: **SEP 16 2015**
By: *Dana Korn*
School Board Chair



ADDED ITEM

AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:

JJ-8.

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

TITLE:

First Amendment and First Extension of Program Manager - Cost and Program Controls Services Agreement - Atkins North America, Inc.

REQUESTED ACTION:

Approve the First Amendment and First Extension of the Agreement for Program Manager Services, RFQ No. 15-114C, previously awarded at the September 18, 2015 School Board meeting to Atkins North America, Inc.
This Amendment has been reviewed and approved as to form and legal content by the Office of the General Counsel.

SUMMARY EXPLANATION AND BACKGROUND:

See Exhibit 1.

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) Executive Summary (2) Amendment

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

SOURCE OF ADDITIONAL INFORMATION:

Name: Shelley N. Meloni, Director	Phone: 754-321-1515
Name:	Phone:

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

Leo Bobadilla - Chief Facilities Officer

Signature
Leo Bobadilla Jr
8/31/2018 2:59:09 PM

Approved In Open Board Meeting On:

SEP 05 2018

By: *Shelley N. Meloni*
School Board Chair



ADDED ITEM

AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:

JJ-4.

MEETING DATE	2018-10-16 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

TITLE:

Second Amendment and Second Extension of Program Manager - Cost and Program Controls Services Agreement - Atkins North America, Inc.

REQUESTED ACTION:

Approve the Second Amendment and Second Extension of the Agreement for Program Manager Services, Cost and Program Controls, Atkins North America, Inc.

SUMMARY EXPLANATION AND BACKGROUND:

See Executive Summary (Exhibit 1) for details.
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 Second Amendment and Second Extension of Program Manager Cost and Program Controls Services Agreement will result in a financial impact of a not-to-exceed amount of \$2,767,500. Funding for the Cost and Program Controls Services Agreement is included in the individual SMART Program construction project budgets and is included in the Adopted District Educational Facilities Plan (September 5, 2018).

EXHIBITS: (List)

(1) Executive Summary (2) Second Amendment (3) Previously Approved ARFs (4) Staffing Plan (5) 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:	Phone:

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

Leo Bobadilla - Chief Facilities Officer

Signature

Frank L. Girardi
10/11/2018, 4:21:30 PM

Approved In Open Board Meeting On:
By:

OCT 16 2018

Nora Supera
School Board Chair

COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-6./Thrd Amendment and Third Renewal of Program Manager - Cost and Program Controls Services Agreement
Atkins North America, Inc.
RFQ 15-114C

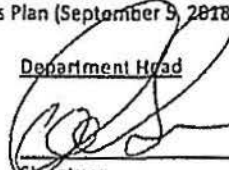
School Board Meeting: 08/06/2019

The financial impact of this item is \$3,137,174

- 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:
This Third Amendment and Third Renewal of Program Manager Cost and Program Controls Services Agreement will result in a financial impact of a not-to-exceed amount of \$3,137,174. Funding for the Cost and Program Controls Services Agreement is included in the individual SMART Program project budgets and the Adopted District Educational Facilities Plan (September 5, 2018).

<u>Department Name</u>	<u>Department Head</u>	<u>Department Head</u>
Capital Budget	Omar Shim, Director	 7/15/2019
		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.