



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:

JJ-2.

MEETING DATE

2019-10-02 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:

Fourth Amendment to the Professional Services Agreement - Zyscovich, Inc. - Cypress Bay High School - Weston - Project No. P.001774 - SMART Program Renovations - RFQ 17-156C

REQUESTED ACTION:

Approve the Fourth Amendment in the amount of \$19,350 to the Professional Services Agreement dated February 7, 2017 with Zyscovich, Inc. for Cypress Bay High School, Project No. P.001774, SMART Program Renovations, RFQ 17-156C.

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: Safe & Supportive Environment  Goal 3: Effective Communication

FINANCIAL IMPACT:

The financial impact to the Fourth Amendment to the Professional Services Agreement is \$19,350. This project has been appropriated in the Adopted District Educational Facilities Plan (September 4, 2019). There is no impact to the project budget.

EXHIBITS: (List)

(1) Executive Summary (2) Fourth 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 | Heery Director

Phone: 754-321-4850

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

Frank Girardi - Executive Director

Approved In Open Board Meeting On:

**OCT 02 2019**

By:

*Heather P. Burkwood*

School Board Chair

Signature

Frank L. Girardi  
9/19/2019, 5:09:15 PM

Electronic Signature

Form #4189 Revised 07/25/2019  
RWR/ FG/SNM/DJ:lcc

**EXECUTIVE SUMMARY**

**Fourth Amendment to Professional Services Agreement  
Zyscovich, Inc.  
Cypress Bay High School, Weston  
Project No. P.001774  
Additional Services  
RFQ 17-156C**

**PROJECT OVERVIEW:**

<b>Type of Contract:</b>	<b>Professional Services Agreement</b>
<b>Project Architect:</b>	<b>Zyscovich, Inc.</b>
<b>Authorization to Proceed</b>	<b>Pending Board Approval</b>
<b>Budget:</b>	<b>See Below</b>

**GENERAL OVERVIEW:**

The Professional Services Agreement was approved by the Board on February 7, 2017 (Agenda Item JJ-1).

The purpose of this Fourth Amendment to the Professional Services Agreement with Zyscovich, Inc. in the amount of \$19,350 is for an increase to the Basic Services Fees associated with additional design services required for the removal of portable scope from the Guaranteed Maximum Price (GMP) drawings at Cypress Bay High School.

<b>AMENDMENT No.</b>	<b>DATE APPROVED</b>	<b>AGENDA ITEM No.</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>REVISED FEE AMOUNT</b>
First Amendment	1/17/2018	JJ-6	Basic Services Fees Increase for the Redesign of Campus Programming Needs	\$769,950	\$1,734,950
Second Amendment	2/20/2019	JJ-2	Basic Services Fees Increase to Perform all Site Related Design Services for the Placement of Eight (8) Portable Classrooms	\$39,440	\$1,774,390
Third Amendment	8/6/2019	J-1	E-Builder Language	\$0	\$0
Fourth Amendment	Pending Board Approval	JJ-2	Basic Fees Increase for Removal of Portable Scope	\$19,350	\$1,793,740

The original scope of work included: removal of three (3) metal portables and relocation of five (5) concrete modulars; revisions to all affected drawings showing location of the building and garden; canopy layout and drainage; parking layout and drainage; and the redesign of drainage and landscaping around Building 85, parking, student drop-off, and accessible entry. This entire scope will be deleted from the drawings.

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](#).

**FOURTH AMENDMENT  
TO  
PROFESSIONAL SERVICES AGREEMENT**

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

This Fourth Amendment to the Professional Services Agreement ("Agreement") between The School Board of Broward County, Florida (hereinafter referred to as "Owner") and Zyscovich, Inc. (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 7<sup>th</sup> day of February, 2017, is entered into this 2<sup>nd</sup> day of October, 2019 by and between the Owner and the Project Consultant.

For the project known as: **Cypress Bay High School  
Project No. P.001774  
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 7<sup>th</sup> day of February, 2017, is in full force and effect as revised by the First Amendment dated January 17, 2018; by the Second Amendment dated February 20, 2019, by the Third Amendment dated August 6, 2019, and this Fourth Amendment; and

WHEREAS, it has been determined that the Scope of Work should be amended to delete removal of three (3) metal portables and relocation of five (5) concrete portables; and

WHEREAS, it has been determined that the Scope of Work should be amended to accommodate the two easternmost units of Building 85 and associated scope, including revision of all affected drawings showing location of the building and garden; revision of canopy layout/drainage at the student drop off area; revision of the parking layout and drainage; and revision of drainage and landscaping around Building 85, parking, drop off, and accessible entry; and

WHEREAS, the Project Consultant agrees to perform all related design services for the removal of the portable scope from the Approved GMP set of Construction Drawings for an increase to Basic Fees in the amount of \$17,350 and an increase to Reproduction Allowances in the amount of \$2,000.

WHEREAS, the Owner's Program Manager, 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 Project Consultant to the Owner, the parties agree as follows:

1. The recitals contained herein are true and correct and are incorporated herein by reference.
2. **Revised Terms.** The Project Consultant shall perform all related design services for the removal of the portable scope for the Project identified herein as set forth below:

	Original Amount	First Amendment Amount	Second Amendment Amount	Third Amendment Amount	Description	Fourth Amendment Amount	Revised Amount
Basic Fees	\$910,000	\$686,000	\$39,440	N/A	Increase in Basic Fees to perform all related design services for removal of portable scope from the GMP drawings	\$17,350	\$1,652,790
Reproduction Expenses Allowance	\$20,000	\$25,000	N/A	N/A	N/A	\$2,000	\$112,000
Non Destructive/ Destructive Allowance	\$20,000	\$5,000	N/A	N/A	N/A	N/A	
Site Survey Allowance	\$15,000	\$25,000	N/A	N/A	N/A	N/A	
Supplemental Services	N/A	\$28,950	N/A	N/A	N/A	N/A	\$28,950
<b>Total</b>	<b>\$965,000</b>	<b>\$769,950</b>	<b>\$39,440</b>	<b>---</b>	<b>---</b>	<b>\$19,350</b>	<b>\$1,793,740</b>

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 Fourth Amendment to Agreement; then
- b) the Third Amendment to Agreement; then
- c) the Second Amendment to Agreement; then

- d) the First Amendment to Agreement; then
- e) the Agreement.

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

6. 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   
Heather P. Brinkworth, Chair

ATTEST:

  
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)

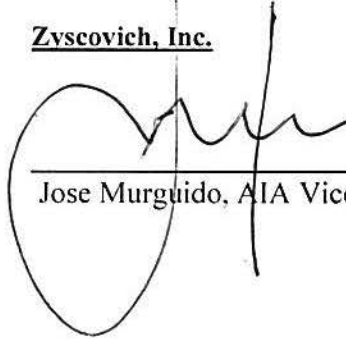
ATTEST

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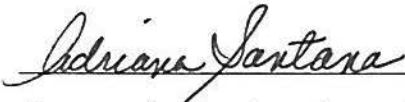
MARIO SUAREZ, Secretary

Zyscovich, Inc.



Jose Murguido, AIA Vice President

-or-



ADRIANA SANTANA, Witness



DEBRA VANZANT, Witness

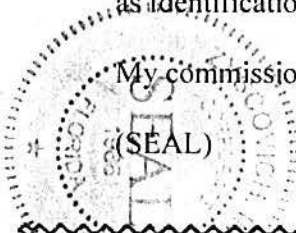
AR0010670  
Project Consultant's  
Registration Number

STATE OF FLORIDA )  
                                  )  
COUNTY OF BROWARD )

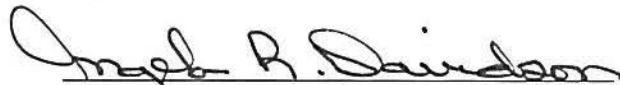
The foregoing instrument was acknowledged before me this 17 day of September, 2019 by Jose Murguido of Zyscovich, Inc. on behalf of the corporation or agency.

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

My commission expires: 11/28/2022



Notary Public State of Florida  
Angela R Davidson  
My Commission GG 179817  
Expires 01/28/2022



Signature, Notary Public

ANGELA R. DAVIDSON

Printed Name of Notary

COLLABORATION

SIGN-OFF FORM

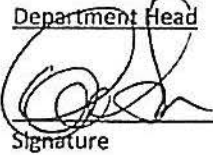
Item #/Title of Agenda Request Item: JJ-2./Fourth Amendment to Professional Services Agreement

Zyscovich, Inc.  
Cypress Bay High School, Weston  
Project No. P.001774  
SMART Program Renovations  
RFQ 17-156C

School Board Meeting: 10/02/2019

The financial impact of this item is \$19,350

- ( ) This project has not been appropriated in the Adopted District Educational Facilities Plan (September 4, 2019). 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 4, 2019). There is no impact to the project budget.
- ( ) This project has been appropriated in the Adopted District Educational Facilities Plan (September 4, 2019). 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 4, 2019). 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
		9/17/2019 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.