



# AGENDA REQUEST FORM

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:  
EE-13.

MEETING DATE	2018-11-07 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	EE. OFFICE OF STRATEGY & OPERATIONS
DEPARTMENT	Procurement & Warehousing Services

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

**TITLE:**  
Recommendation to Approve Renewal of Agreement with Additional Spending Authority - 14-027E - Postsecondary Workforce Student Information System

**REQUESTED ACTION:**  
Approve the recommendation to award the renewal for the above Agreement with additional spending authority. New Contract Term: February 4, 2014 through December 31, 2019, 5 Years, 11 Months; User Department: Eight (8) Postsecondary Workforce Education Schools; Additional Requested Amount: \$221,049; New Award Amount \$2,663,758; Awarded Vendor(s): Focus School Software, LLC.; Small/Minority/Women Business Enterprise Vendor(s): None.

**SUMMARY EXPLANATION AND BACKGROUND:**  
This contract will be utilized to continue the use of the Workforce Student Information System by the eight (8) Postsecondary Workforce Education Schools, which includes: Atlantic Technical College, McFatter Technical College, Sheridan Technical College, Dave Thomas Education Center - West, Henry D. Perry Education Center, Whiddon-Rogers Education Center, Community School North and Community School South.  
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 \$2,663,758. The contract award amount was for \$2,442,709. The request is to increase the spending authority by \$221,049 bringing the new contract value to \$2,663,758. The funding sources are Postsecondary Student Activity Fees and the Workforce Education District Reserve.

**EXHIBITS: (List)**  
(1) Executive Summary (2) Agreement (3) Approved ARF 2-4-2014 EE-4 (4) Financial Analysis Worksheet

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

SOURCE OF ADDITIONAL INFORMATION:	
Name: Robert B. Crawford	Phone: 754-321-5103
Name: Mary C. Coker	Phone: 754-321-0501

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

Maurice L. Woods - Chief Strategy & Operations Officer

Signature  
*Maurice Woods*  
10/25/2018, 11:34:48 AM

Approved In Open Board Meeting On: **NOV 07 2018**  
By: *Nora Rupert*  
School Board Chair

## FIRST AMENDMENT TO AGREEMENT

7<sup>th</sup> THIS FIRST AMENDMENT TO AGREEMENT is made and entered into as of this day of November, 2018, by and between

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
(hereinafter referred to as "SBBC"),  
a body corporate and political subdivision of the State of Florida,  
whose principal place of business is  
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

**FOCUS SCHOOL SOFTWARE, LLC**  
(hereinafter referred to as "FOCUS"),  
having its principal place of business at  
475 Central Avenue, Suite 400, Saint Petersburg, Florida 33701

**WHEREAS**, SBBC and FOCUS entered into an Agreement dated February 4, 2014 (hereafter "Agreement") for a fully integrated web-based Student Information System; and

**WHEREAS**, the Agreement expires on December 31, 2018, but allows for extensions; and

**WHEREAS**, the parties mutually desire to extend the Agreement on through this First Amendment to Agreement (hereafter "Amendment").

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1.01 **Recitals.** The Parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

1.02 **Term of Agreement.** Pursuant to Article 2.01 **Term of Agreement** in the Agreement, the term of the Agreement is hereby extended from January 1, 2019 through December 31, 2019, unless terminated earlier pursuant to Section Article 3.05 Termination of the Agreement.

1.03 **Amended Provisions.** The parties hereby agree to the following amended provisions to the Agreement:

1.04 **Pricing.** SBBC shall pay FOCUS, for licensing maintenance fee under this First Amendment, Nine Dollars and 00/100 Cents (\$9.00) per student in a single lump sum to be

invoiced at the beginning of the term with net 30 day payment terms after SBBC issues a purchase order and FOCUS provides SBBC with a proper and appropriate invoice.

1.05 **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:

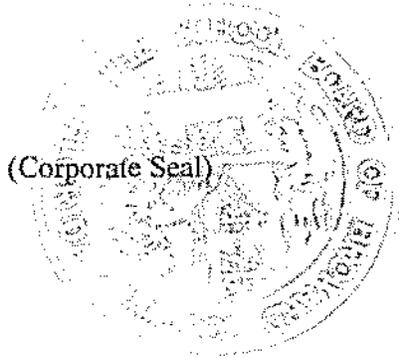
- a) this First Amendment to Agreement; then
- b) the Agreement.

1.06 **Other Provisions Remain in Force.** Except as expressly provided herein, all other portions of the Agreement remain in full force and effect.

1.07 **Authority.** Each person signing this First Amendment to Agreement on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment to Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this First Amendment to Agreement.

**IN WITNESS WHEREOF,** the Parties hereto have made and executed this First Amendment to Agreement on the date first above written.

**[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]**



(Corporate Seal)

**FOR SBBC:**

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:

Kathelyn Jacques-Adams

Digitally signed by Kathelyn Jacques-Adams,  
Esq. - kathelyn.jacques-  
adams@browardschools.com  
Reason: Focus School Software, LLC - First  
Amendment  
Date: 2018.10.22 14:32:49 -04'00'

Office of the General Counsel

**[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]**

**FOCUS SCHOOL SOFTWARE**

**OCT 31 2018**

**FOR FOCUS:**

(Corporate Seal)

ATTEST:

FOCUS SCHOOL SOFTWARE, LLC

By Andrew Schmadeke, CEO

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

-or-

Kaytie Shea  
Witness

Amber Almene  
Witness

STATE OF Florida

COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 31 day of October, 2018 by Andrew Schmadeke of

Name of Person

Focus School Software on behalf of the corporation/agency. He/She is personally known to me or produced \_\_\_\_\_ as identification and did/did not first take an oath. \_\_\_\_\_  
Type of Identification

My Commission Expires:

Steve Harnois  
Signature - Notary Public

(SEAL)

Steven Harnois  
Printed Name of Notary

GG 051633  
Notary's Commission No.



STEVEN C HARNOIS  
MY COMMISSION # GG 051633  
EXPIRES: March 30, 2021  
Bonded Thru Budget Notary Services