

**SECOND AMENDMENT
TO
PROFESSIONAL SERVICES AGREEMENT**

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

This Second Amendment to the Professional Services Agreement ("Agreement") between The School Board of Broward County, Florida ("Owner") and ACAI Associates, Inc. ("Project Consultant") for architectural/engineering services dated the 7th day of February, 2017, is entered into this 10th day of December, 2019 by and between the Owner and the Project Consultant.

For the project known as: **Nova High School
Project No. P.001817
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 7th day of February, 2017, is in full force and effect as revised by the First Amendment dated December 19, 2017; and

WHEREAS, the originally contemplated a construction duration of 395 days was subsequently increased to 927 days via Board-approval of GMP Amendment No. 1 on February 5, 2019; and

WHEREAS, the increased construction duration resulted in the need for an additional 523 days of Construction Administration services by the Consultant; and

WHEREAS, the Project Consultant and Owner negotiated additional fees for the extended Construction Administration services in the amount of \$300,580, which after deducting \$15,800 for delays results in a net increase of Basic Fees in the amount of \$284,780 and Supplemental Services allowance in the amount of \$50,000.

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.** The Project Consultant shall perform all Contract Administration duties associated with the revised scope changes, additional submittals, extended services, site visits, OAC Meetings resulting in a net increase to the Project Consultant’s Basic Fees in the amount of \$284,780 as set forth below:

	Original PSA Amounts	First Amendment Revisions	Description	Second Amendment Revisions	Revised Amount
Basic Fees	\$1,100,000	\$77,295	Increase in Contract Administration Fees for Scope Revisions	\$284,780	\$1,462,075
Allowances	\$150,000	\$0	N/A	\$0	\$150,000
Supplemental Services	\$0	\$0	N/A	\$50,000	\$50,000
Total	\$1,250,000	\$77,295	N/A	\$334,780	\$1,662,075

1. **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.

2. **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 Second Amendment to Agreement; then
- b) the First Amendment to Agreement; then
- c) the Agreement.

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

[Remainder of page intentionally left blank]

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)

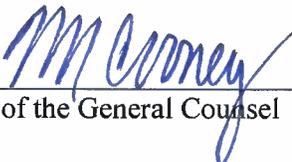
**THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA**

ATTEST:

By _____
Donna P. Korn, Chair

Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:



Office of the General Counsel

[Remainder of page intentionally left blank]



FOR PROJECT CONSULTANT

ATTEST:

[Signature]

, Secretary

ACAI Associates, Inc.

By *[Signature]*

Adolfo J. Cotilla, Jr., President

-or-

Witness

Witness

AAC 001323

Project Consultant's Registration Number

STATE OF FLORIDA)
)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 12th day of November, 2019 by Adolfo J. Cotilla, Jr. 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: 03-26-2021



Lynn A Hillis

Signature, Notary Public

Lynn A Hillis

Printed Name of Notary