



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
JJ-7.

MEETING DATE	2019-12-10 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:

Second Amendment to the Professional Services Agreement - ACAI Associates, Inc. - Nova High School - Davie - Project No. P.001817 - SMART Program Renovations - RFQ 16-198C

REQUESTED ACTION:

Approve the Second Amendment in the amount of \$334,780 to the Professional Services Agreement dated February 7, 2017 with ACAI Associates, Inc. for Nova High School, Project No. P.001817, SMART Program Renovations, RFQ 16-198C.

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 of the Second Amendment to the Professional Services Agreement is \$334,780. 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) Second Amendment (3) Collaboration Form

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

SOURCE OF ADDITIONAL INFORMATION:	
Name: Shelley N. Meloni, Director, Pre-Constr.	Phone: 754-321-1515
Name: Daniel Jardine, Director, CBRE Heery	Phone: 754-321-4850

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

Frank Girardi - Executive Director

Signature
Frank L. Girardi
11/22/2019, 3:03:23 PM

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

Approved In Open Board Meeting On:

DEC 10 2019

By: *Joan Kan*
School Board Chair

EXECUTIVE SUMMARY

**Second Amendment to Professional Services Agreement
 ACAI Associates, Inc.
 Nova High School, Davie
 Project No. P.001817
 SMART Program Renovations
 RFQ 16-198C**

PROJECT OVERVIEW:

Type of Contract:	Professional Services Agreement
Project Architect:	ACAI Associates, Inc.
Authorization to Proceed	Pending Board Approval
Budget:	See Below

GENERAL OVERVIEW:

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

The purpose of this Second Amendment in the amount of \$334,780 to the Professional Services Agreement with ACAI Associates, Inc., to increase Basic Fees due to the construction duration being extended by 523 days. This delay resulted in negotiated Basic Services Fee increase in the amount of \$334,780 for construction administration services. Included in this construction administration fee increase is a reduction in the amount of \$15,800 due to delays for the SMART Program Renovations for Nova High School.

AGENDA ITEM	AGENDA ITEM No.	DATE APPROVED	DESCRIPTION	AMOUNT	REVISED FEE AMOUNT
Original PSA	JJ-5	2/07/2017	Professional Services Agreement	\$1,250,000	\$1,250,000
First Amendment	JJ-7	12/19/2017	Include Replacement of Fire Alarm Devices Serving Nova Middle School	\$77,295	\$1,327,295
Second Amendment	JJ-7	Pending Board Approval	Increase in Contract Administration Fees for Scope Revisions and Supplemental Services Fees	\$334,780	\$1,662,075

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](#).

**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.

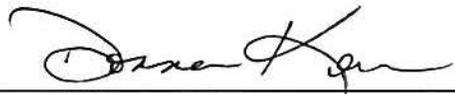
FOR OWNER

(Corporate Seal)

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

ATTEST:


Robert W. Runcie, Superintendent of Schools

By 

Donna P. Korn, Chair

Approved as to Form and Legal Content:



Office of the General Counsel

[Remainder of page intentionally left blank]



FOR PROJECT CONSULTANT

ACAI Associates, Inc.

ATTEST:

By _____
Adolfo J. Cotilla, Jr., President

, Secretary

-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

COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-7./Second Amendment to Professional Services Agreement

ACAI Associates, Inc.
Nova High School, Davie
Project No. P.001817
SMART PROGRAM RENOVATIONS
RFQ 16-198C

School Board Meeting: 12/10/2019

The financial impact of this item is \$334,780

- () 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:

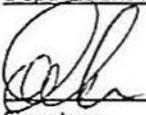
Department Name

Department Head

Department Head

Capital Budget

Omar Shim, Director


Signature

11/19/2019
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.