



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

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

ITEM No.:
JJ-8.

TITLE:

Fourth Amendment to the Professional Services Agreement - Williamson Dacar Associates Inc. - James S. Rickards Middle School - Oakland Park - Project No. P.001743 - SMART Program Renovations - RFQ 16-142C

REQUESTED ACTION:

Approve the Fourth Amendment in the amount of \$272,402 to the Professional Services Agreement dated August 16, 2016 with Williamson Dacar Associates Inc. for James S. Rickards Middle School, Project No. P.001743, SMART Program Renovations, RFQ 16-142C.

SUMMARY EXPLANATION AND BACKGROUND:

Purpose of 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 Fourth Amendment to the Professional Services Agreement is \$272,402. 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, 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, 3:03:40 PM

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

Approved In Open Board Meeting On:

DEC 10 2019

By: *Donna K...*
School Board Chair

EXECUTIVE SUMMARY

**Fourth Amendment to Professional Services Agreement
Williamson Dacar Associates, Inc.
James S. Rickards Middle School, Oakland Park
Project No. P.001743
SMART Program Renovations
RFQ 16-142C**

PROJECT OVERVIEW:

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

GENERAL OVERVIEW:

The Professional Services Agreement was approved by the Board on August 16, 2016 (Agenda Item JJ-2).

The purpose of this Fourth Amendment to the Professional Services Agreement with Williamson Dacar Associates, Inc., is for adjustments to the Basic Services Fees in the amount of \$272,402 associated with an increase to the FLCC for SMART Program Renovations for James S. Rickards Middle School. This is based on a Construction Bid Recommendation awarded to West Construction, Inc. approved by the Board on September 17, 2019 (Agenda Item JJ-1). Included in this Basic Services Fees increase is a reduction in the amount of \$28,000 due to delays for the SMART Program Renovations for James S. Rickards Middle School.

AGENDA ITEM	AGENDA ITEM No.	DATE APPROVED	DESCRIPTION	AMOUNT	REVISED FEE AMOUNT
Original PSA	JJ-2	8/16/2016	Professional Services Agreement	\$328,400	\$328,400
First Amendment	JJ-1	2/22/2017	Expedite Single Point of Entry Scope and Provide Separate/Early Bid Package	\$5,230	\$333,630
Second Amendment	JJ-3	3/20/2018	E-Builder Language	\$0	\$333,630
Third Amendment	JJ-1	10/16/2018	Basic Services Fees Increase to Reduce Fire Sprinkler Scope	\$42,500	\$376,130
Fourth Amendment	JJ-8	Pending Board Approval	Adjustment to Basic Services Fees Associated with an Increase to the FLCC	\$272,402	\$648,532

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 Third Amendment to the Professional Services Agreement ("Agreement") between The School Board of Broward County, Florida (hereinafter referred to as "Owner") and WILLIAMSON DACAR ASSOCIATES, INC. (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 16th day of August, 2016, is entered into this 10th day of December, 2019 by and between the Owner and the Project Consultant.

For the project known as: **James S. Rickards Middle School
Project No. P.001743
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 16th day of August, 2016, is in full force and effect as revised by the First Amendment dated February 22, 2017, by the Second Amendment dated March 20, 2018, by the Third Amendment dated October 16, 2018, and this Fourth Amendment; and

WHEREAS, pursuant to Article 1.5.1.4 of the Agreement, the initial Project Consultant's fee for the Project was established as a percentage of the initial construction budget using the fee chart located in Attachment 6.b of the Agreement; and

WHEREAS, pursuant to Article 1.5.1.4 and Attachment 6.b of the Agreement, the initial Project Consultant's basic fees for the Project of \$298,395 was established as 8.50% of the original Fixed Limit of Construction Cost (FLCC) of \$3,511,059; and

WHEREAS, pursuant to Article 2.1.2 of the Agreement, the Design Professional's fee shall be based upon the awarded contract amount and shall be adjusted for any project scope changes and construction cost increases approved by the Owner; and

WHEREAS, on September 17, 2019 the Board approved the recommendation to award the Construction Agreement for this Project to West Construction, Inc. for a lump sum of \$7,978,709 in addition to approving additional funding in the amount of \$5,449,080; and

WHEREAS, a portion of this additional funding was used to increase the FLCC from \$3,511,059 to \$7,978,709; and

WHEREAS, pursuant to Article 2.1.2 and Attachment 6.b of the Agreement, the Project Consultant has requested an Amendment based on the increase to the FLCC that will increase basic fees by the amount of \$272,402. Included in this fee increase is a fee reduction in the amount of \$28,000 due to an extended deliverable time; and

WHEREAS, CBRE | Heery and Atkins North America, Inc. has evaluated this request and determined that the increase is fair and reasonable based on Attachment 6.b of the Agreement which contains a fee percentage table based on construction contract ranges and project complexity.

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 receive additional compensation for basic fees as set forth below:

	Original PSA Amounts	First Amendment Revision Amounts	Second Amendment Revision Amounts	Third Amendment Revision Amounts	Description	Third Amendment Revision Amounts	Revised Amounts
Basic Fees	\$298,395	\$5,230	N/A	\$39,500	Adjustment Associated with Increase to FLCC	\$272,402	\$615,527
Allowances	\$30,005	N/A	N/A	\$3,000	N/A	N/A	\$33,005
Supplemental Services	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	\$328,400	\$5,230	N/A	\$42,500	N/A	\$272,402	\$648,532

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.

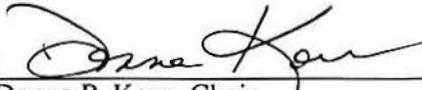
IN WITNESS WHEREOF, the parties hereto have caused this Fourth Amendment to be executed and their Corporate Seal affixed by and through their proper offices, thereunto duly authorized on this day and year first above written.

FOR OWNER

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By 

Donna P. Korn, Chair



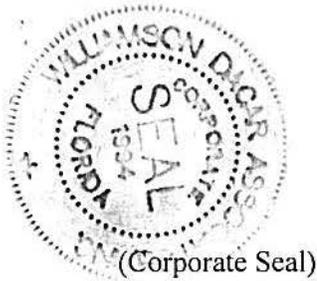
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:



Office of the General Counsel

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FOR PROJECT CONSULTANT

WILLIAMSON DACAR ASSOCIATES, INC.

ATTEST:

, Secretary

By 
Theodore J. Williamson, President

-or-


Witness


Witness

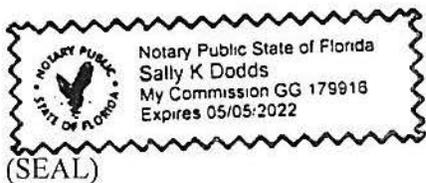
AA 0002541
Project Consultant's Registration Number

STATE OF FLORIDA)
)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 8 day of October, 2019 by THEODORE J. WILLIAMSON of WILLIAMSON DACAR 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:




Signature, Notary Public

Sally Dodds
Printed Name of Notary

COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-8./Fourth Amendment to Professional Services Agreement
 Williamson Dacar Associates, Inc.
 James S. Rickards Middle School, Oakland Park
 Project No. P.001743
 SMART PROGRAM RENOVATIONS
 RFQ 16-142C

School Board Meeting: 12/10/2019

The financial impact of this item is \$272,402

- () 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:

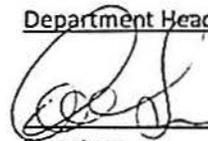
Department Name

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.