



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
JJ-13.

MEETING DATE	2020-02-04 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:

Approve the Fifth Amendment to the Professional Services Agreement - Zyscovich, Inc. - Cypress Bay High School - Weston - Project No. P.001774 - SMART Program Renovations - RFQ 17-069C

REQUESTED ACTION:

Approve the Fifth Amendment in the amount of \$29,000 to the Professional Services Agreement dated February 7, 2017 with Zyscovich, Inc., Cypress Bay High School, Project No. P.001774, SMART Program Renovations, RFQ 17-069C.

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:

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) Fifth 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 I Heery	Phone: 754-321-4850

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

Frank Girardi - Executive Director

Signature

Frank L. Girardi
 1/27/2020, 9:08:01 AM

Approved In Open Board Meeting On:

FEB 04 2020

By:
 School Board Chair

EXECUTIVE SUMMARY

**Fifth Amendment to Professional Services Agreement
Zyscovich, Inc.
Cypress Bay High School, Weston
Project No. P.001774
SMART Program Renovations
RFQ 17-069C**

PROJECT OVERVIEW:

Type of Contract:	Professional Services Agreement
Project Architect:	Zyscovich, Inc.
Authorization to Proceed	TBD
Original Funding Allocation:	See Below

GENERAL OVERVIEW:

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

The purpose of this Fifth Amendment in the amount of \$29,000 to the Professional Services Agreement with Zyscovich, Inc., is for additional services related to modifications of the permitted construction documents for the SMART Program Renovations at Cypress Bay High School.

AGENDA ITEM	AGENDA ITEM No.	DATE APPROVED	DESCRIPTION	AMOUNT	REVISED FEE AMOUNT
Original PSA	JJ-1	2/7/2017	Professional Services Agreement	\$965,000	\$965,000
First Amendment	JJ-6	1/17/2018	Basic Services Fees Increase for the Redesign of Campus Programming Needs	\$769,950	\$1,734,950
Second Amendment	JJ-2	2/20/2019	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	J-1	8/06/2019	eBuilder Language	\$0	\$1,774,390
Fourth Amendment	JJ-2	10/02/2019	Basic Fees Increase for Removal of Portable Scope	\$19,350	\$1,793,740
Fifth Amendment	JJ-13	Pending Board Approval	Additional Services Request for Modifications to Permitted Construction Documents	\$29,000	\$1,822,740

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](#).

**FIFTH AMENDMENT
TO
PROFESSIONAL SERVICES AGREEMENT**

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

This Fifth 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 7th day of February, 2017, is entered into this 4th day of February, 2020 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 7th day of February, 2017, is in full force and effect as revised by the First Amendment dated January 17, 2018, the Second Amendment dated February 20, 2019, the Third Amendment dated August 6, 2019 and the Fourth Amendment dated October 2, 2019; and

WHEREAS, on June 7, 2019, a meeting between CBRE | Heery, District staff and the Project Consultant resulted in a decision to add technology, fire-safety and security elements to the Project ("Scope Enhancements"); and

WHEREAS, the Project Consultant agrees to perform all design services required to incorporate the above-noted Scope Enhancements in exchange for a \$8,500 increase to its Basic Service Fee, and a \$500 increase to its Reproduction Allowance, and a \$20,000 increase to its Supplemental Services Allowance for unforeseen required drawing changes during construction.

WHEREAS, the Owner's Program Manager, CBRE | Heery and District staff have successfully negotiated and hereby recommend such additional fees as set forth herein above and 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	Fourth Amendment Amount	Description	Fifth Amendment Amount	Revised Amount
Basic Fees	\$910,000	\$686,000	\$39,440	N/A	\$17,350	Increase in Basic Fees to perform all related design	\$8,500	\$1,661,290
Reproduction Expenses Allowance	\$20,000	\$25,000	N/A	N/A	\$2,000	Revised Sheets	\$500	\$112,500
Non Destructive/ Destructive Allowance	\$20,000	\$5,000	N/A	N/A	N/A	N/A	N/A	
Site Survey Allowance	\$15,000	\$25,000	N/A	N/A	N/A	N/A	N/A	
Supplemental Services	N/A	\$28,950	N/A	N/A	N/A	Unforeseen Design Changes	\$20,000	\$48,950
Total	\$965,000	\$769,950	\$39,440	---	\$19,350	---	\$29,000	\$1,822,740

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 Fifth Amendment to Agreement; then
- b) this Fourth Amendment to Agreement; then
- c) the Third Amendment to Agreement; then
- d) the Second Amendment to Agreement; then
- e) the First Amendment to Agreement; then
- f) the Agreement.

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

6. IN WITNESS WHEREOF, the parties hereto have caused this Fifth 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

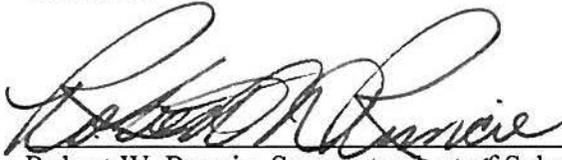
(Corporate Seal)

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

By 

Donna P. Korn, Chair

ATTEST:



Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

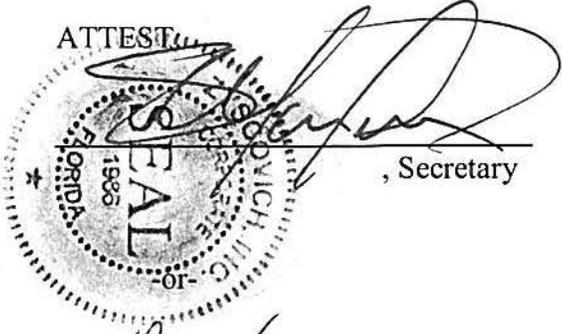


Office of the General Counsel

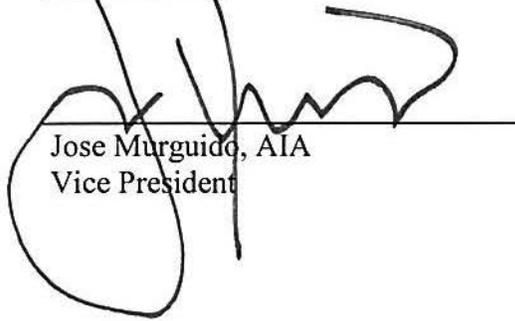
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FOR PROJECT CONSULTANT

(Corporate Seal)

ATTEST

_____, Secretary

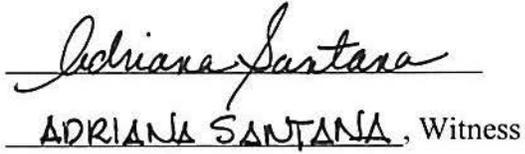
Zyscovich, Inc.



Jose Murguido, AIA
Vice President



DEBRA VANZANT, Witness



ADRIANA SANTANA, Witness

ARDD10670
Project Consultant's
Registration Number

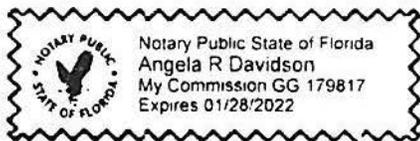
STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

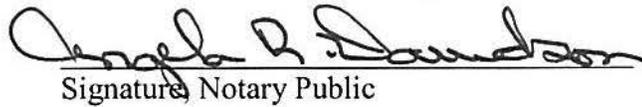
The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 17 day of JANUARY, 2020 by Jose Murguido of Zyscovich, Inc. on behalf of the corporation or agency.

He/she is personally known to me or produced _____
as Identification and did/did not first take an oath.

My commission expires:

(SEAL)





Signature, Notary Public

ANGELA R. DAVIDSON

Printed Name of Notary

COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-13./Fifth Amendment to Professional Services Agreement

Zyscovich, Inc.
Cypress Bay High School, Weston
Project No. P.001774
SMART Program Renovations
RFQ 17-069C

School Board Meeting: 02/04/2020

The financial impact of this item is \$29,000

- () 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.
- (X) 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:

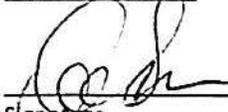
Department Name

Department Head

Department Head

Capital Budget

Omar Shim, Director


Signature

2/22/2020
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.