



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2020-07-21 10:05 - Regular School Board 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-7.

**TITLE:**

Second Amendment to Professional Services Agreement - Crain Atlantis, Inc. - New River Middle School - Fort Lauderdale - Project No. P.001710 - SMART Program Renovations - RFQ 17-052C

**REQUESTED ACTION:**

Approve the Second Amendment in the amount of \$129,180 to the Professional Services Agreement dated December 20, 2016, with Crain Atlantis, Inc., New River Middle School, Project No. P.001710, SMART Program Renovations, RFQ 17-052C.

**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 current impact to the project budget. There is a potential future 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, CBRE   Heery, Director	Phone: 754-321-4850

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

Frank Girardi - Executive Director

Signature  
Frank L. Girardi  
7/10/2020, 5:51:15 PM

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

Approved In Open Board Meeting On:

JUL 21 2020

By: *Dorina Kor*  
School Board Chair

**EXECUTIVE SUMMARY**

**Second Amendment to Professional Services Agreement  
Crain Atlantis, Inc.  
New River Middle School, Fort Lauderdale  
Project No. P.001710  
SMART Program Renovations  
RFQ 17-052C**

**PROJECT OVERVIEW:**

<b>Type of Contract:</b>	<b>Professional Services Agreement</b>
<b>Project Architect:</b>	<b>Crain Atlantis, Inc.</b>
<b>Authorization to Proceed:</b>	<b>TBD</b>
<b>Original Funding Allocation:</b>	<b>See Below</b>

**GENERAL OVERVIEW:**

The Professional Services Agreement was approved by the Board on December 20, 2016 (Agenda Item JJ-4).

The purpose of this Second Amendment to the Professional Services Agreement in the amount of \$129,180 with Crain Atlantis, Inc. is for adjustments to the Basic Services Fees associated with an increase to the FLCC and revisions to the completed drawings referencing Lightweight Concrete and the Fire Alarm System for SMART Program Renovations at New River Middle School. Included in the Basic Services Fees increase is a reduction for deliverable delays in the amount of \$25,000 for the SMART Program Renovations at New River Middle School.

<b>AGENDA ITEM</b>	<b>AGENDA ITEM No.</b>	<b>DATE APPROVED</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>REVISED FEE AMOUNT</b>
Original PSA	JJ-4	12/20/2016	Professional Services Agreement	\$165,000	\$165,000
First Amendment	JJ-3	3/20/2018	e-Builder Language	\$0	\$165,000
Second Amendment	JJ-7	Pending Board Approval	Increase to Basic Services Fees Associated with an Increase to the FLCC	\$129,180	\$294,180

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 (hereinafter referred to as "Owner") and Crain Atlantis, Inc. (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 20<sup>th</sup> day of December, 2016, is entered into this 21<sup>st</sup> day of July, 2020 by and between the Owner and the Project Consultant.

For the Project known as:     **New River Middle School  
Project No. P.001710  
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 20<sup>th</sup> day of December 2016, is in full force and effect as revised by the First Amendment dated 20<sup>th</sup> day of March, 2018; and

WHEREAS, pursuant to Article 2.1.2 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, the initial Project Consultant's fee for the Project of \$140,000 was established at 9.3% of the original Fixed Limit of Construction Cost (FLCC) of \$1,495,652; and

WHEREAS, pursuant to Article 2.1.2 of the Agreement, the Project Consultant'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 February 19, 2020 the Board approved the recommendation to award the Construction Agreement for this Project to Burke Construction Group, Inc. for a lump sum of \$3,343,297 in addition to approving additional funding in the amount of \$1,847,645; and

WHEREAS, a portion of this additional funding was used to increase the FLCC from \$1,495,652 to \$3,343,297; and

WHEREAS, the Project Consultant has requested a \$144,180 increase in basic fees based upon the increase to the FLCC and pursuant to Article 2.1.2 and Attachment 6.b of the Agreement; and

WHEREAS, the Project Consultant has also agreed to a reduction to basic services fees in the amount of \$25,000 for delays to deliverables, and an increase in basic services fees in the amount of \$10,000 for Owner-requested revisions to completed drawings referencing Light Weight Concrete (LWC) and the Fire Alarm System; and

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 additional Project scope identified herein as set forth below:

	Original Amount	First Amendment Amount	Description	Second Amendment Amount	Revised Amount
<b>Basic Fees</b>	\$140,000	\$0	\$144,180 fee increase associated with increase to FLCC; and \$25,000 fee decrease for delays to deliverables	\$119,180	\$269,180
			Revision of completed drawings LWC Roof and Fire Alarm System	\$10,000	
<b>Supplemental Services</b>	\$0	\$0	N/A	\$0	\$0
<b>Allowances</b>	\$25,000	\$0	N/A	\$0	\$25,000
<b>Total</b>	<b>\$165,000</b>	<b>\$0</b>	---	<b>\$129,180</b>	<b>\$294,180</b>

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

5. **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

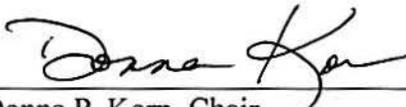
party for whom he or she is signing it to bind and obligate such party with respect to all provisions contained in this Second Amendment.

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**

By   
Donna P. Korn, Chair

ATTEST:

  
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**

(Corporate Seal)  
ATTEST:  
*[Signature]*  
\_\_\_\_\_, Secretary

Crain Atlantis, Inc.

*[Signature]*  
\_\_\_\_\_  
Albert R. Capellini, P.E.  
President

-or-

\_\_\_\_\_  
\_\_\_\_\_, Witness

\_\_\_\_\_  
\_\_\_\_\_, Witness

20-528-4753  
Project Consultant's  
Registration Number

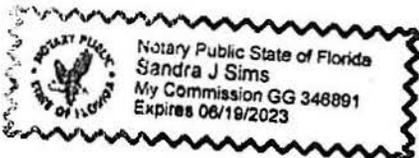
STATE OF FLORIDA    )  
                                  )  
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 24 day of JUNE, 2020 by **Albert Capellini** of **Crain Atlantis, 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]*  
\_\_\_\_\_  
Signature, Notary Public

Sandra J. Sims  
\_\_\_\_\_  
Printed Name of Notary

EXHIBIT 3

COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-7./Second Amendment to Professional Services Agreement  
Crain Atlantis, Inc.  
New River Middle School, Fort Lauderdale  
Project No. P.001710  
SMART Program Renovations  
RFQ 17-052C

School Board Meeting: 07/21/2020

The financial impact of this item is \$129,180

( ) 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.

OS  
(X)

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.

( ) 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

*Omar Shim*

7/18/2020

Signature

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.