



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:

JJ-8.

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
 Yes No

Time

Open Agenda
 Yes No

TITLE:

Third Amendment to Professional Services Agreement - Zyscovich, Inc. - Falcon Cove Middle School - Weston - Project No. P.001902 - SMART Program Renovations - RFQ 17-167C

REQUESTED ACTION:

Approve the Third Amendment in the amount of \$14,000 to the Professional Services Agreement dated May 16, 2017, with Zyscovich, Inc., Falcon Cove Middle School, Project No. P.001902, SMART Program Renovations, RFQ 17-167C.

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) Third 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, 5:51:32 PM

Electronic Signature

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

Approved In Open Board Meeting On:

JUL 21 2020

By:

Donna Ken
School Board Chair

EXECUTIVE SUMMARY

**Third Amendment to Professional Services Agreement
Zyscovich, Inc.
Falcon Cove Middle School, Weston
Project No. P.001902
SMART Program Renovations
RFQ 17-167C**

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 May 16, 2017 (Agenda Item JJ-2).

The purpose of this Third Amendment to the Professional Services Agreement in the amount of \$14,000 with Zyscovich, Inc., is to increase Basic Services Fees and the Reproduction Allowance associated with the modification of permit documents for Owner-Requested IT Design Changes for the SMART Program Renovations at Falcon Cove Middle School.

AGENDA ITEM	AGENDA ITEM No.	DATE APPROVED	DESCRIPTION	AMOUNT	REVISED FEE AMOUNT
Original PSA	JJ-2	5/16/2017	Professional Services Agreement	\$740,000	\$740,000
First Amendment	JJ-10	7/24/2018	Increase to Basic Services Fees	\$439,879	\$1,179,879
Second Amendment	JJ-11	8/6/2019	e-Builder Language	\$0	\$0
Third Amendment	JJ-8	Pending Board Approval	Increase to Basic Services Fees for Modifications of Permit Documents for IT Design Changes at Owner's Request	\$14,000	\$1,193,879

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](#).

**THIRD 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 Zyscovich, Inc. (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 16th day of May, 2017, is entered into this 21st day of July, 2020 by and between the Owner and the Project Consultant.

For the Project known as: **Falcon Cove Middle School
Project No. P.001902
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 May, 2017, is in full force and effect as revised by the First Amendment dated July 24, 2018, the Second Amendment dated August 6, 2019; and

WHEREAS, on February 18, 2020, a meeting between CBRE | Heery, District IT staff and the Project Consultant resulted in a decision to add additional cameras, outlets, raceways for BDA, media cabinet additions not carried during design, additional security cameras, IT outlets added based on the revised IT drawings provided to coordinate new addition rooms 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 \$13,500 increase to its Basic Service Fee, and a \$500 increase to its Reproduction Allowance; 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	Second Amendment Amount	Description	Third Amendment Amount	Revised Amount
Basic Fees	\$625,000	\$374,999	\$0	Technology Elements Increase in Scope	\$13,500	\$1,013,499
Supplemental Services	\$60,000	\$14,880	\$0	N/A	\$0	\$74,880
Allowances	\$55,000	\$50,000	\$0	Reproduction Allowances	\$500	\$105,500
Total	\$740,000	\$439,879	\$0	---	\$14,000	\$1,193,879

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

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

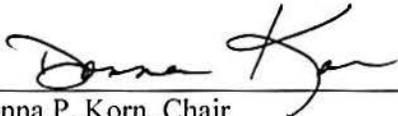
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IN WITNESS WHEREOF, the parties hereto have caused this Third Amendment to be executed and their Corporate Seal affixed by and through their proper offices, thereunto duly authorized on this day and year first above written.

FOR OWNER



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

By 
Donna P. Korn, Chair

ATTEST:


Robert W. Runcie, Superintendent of Schools

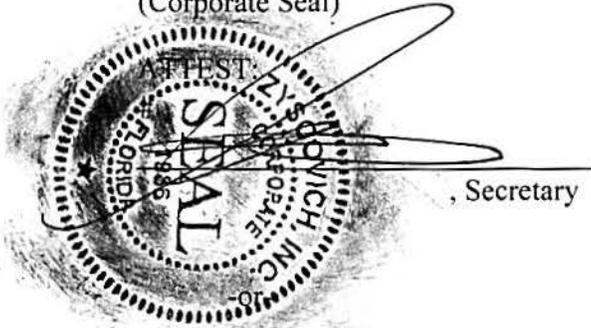
Approved as to Form and Legal Content:


Office of the General Counsel

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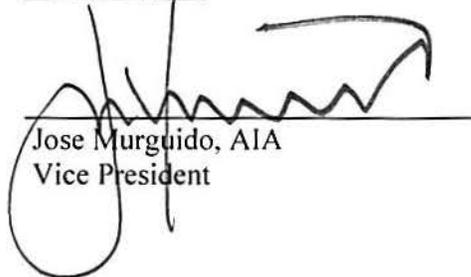
FOR PROJECT CONSULTANT

(Corporate Seal)



_____, Secretary

Zyscovich, Inc.



Jose Murguido, AIA
Vice President



VANESKA VERDE, Witness



Stephanie Wilson, Witness

AB0010670
Project Consultant's
Registration Number

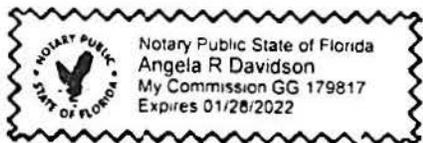
STATE OF FLORIDA)
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COUNTY OF ~~BROWARD~~
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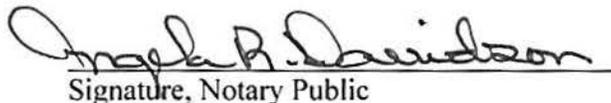
The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 26 day of JUNE, 2020 by Jose Murguido of Zyscovich, Inc. on behalf of the corporation or agency.

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

My commission expires: 1/28/2022

(SEAL)





Signature, Notary Public

ANGELA R. DAVIDSON

Printed Name of Notary

COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-8./Third Amendment to Professional Services Agreement
Zyscovich, Inc.
Falcon Cove Middle School, Weston
Project No. P.001902
SMART Program Renovations
RFQ 17-167C

School Board Meeting: 07/21/2020

The financial impact of this item is \$14,000

- () 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.
- () 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:

<u>Department Name</u>	<u>Department Head</u>	<u>Department Head</u>
Capital Budget	Omar Shim, Director	<u>Omar Shim</u> 7/8/2020 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.