



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2020-08-19 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-16.

TITLE:
Second Amendment to the Professional Services Agreement - Laura M. Perez & Associates, Inc. - Pines Lakes Elementary School - Pembroke Pines - Project No. P.002004 - SMART Program Renovations - RFQ 18-034C

REQUESTED ACTION:
Approve the Second Amendment in the amount of \$3,495 to the Professional Services Agreement dated November 7, 2017 with Laura M. Perez & Associates, Inc., Pines Lakes Elementary School, Project No. P.002004, SMART Program Renovations, RFQ 18-034C.

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) 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
8/10/2020, 3:35:34 PM

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

Approved In Open Board Meeting On: **AUG 19 2020**
By: *[Signature]*
School Board Chair

EXECUTIVE SUMMARY

**Second Amendment to Professional Services Agreement
 Laura M. Perez & Associates, Inc.
 Pines Lakes Elementary School, Pembroke Pines
 Project No. P.002004
 SMART Program Renovations
 RFQ 18-034C**

PROJECT OVERVIEW:

Type of Contract:	Professional Services Agreement
Project Architect:	Laura M. Perez & Associates, Inc.
Authorization to Proceed:	TBD
Original Funding Allocation:	See Below

GENERAL OVERVIEW:

The Professional Services Agreement was approved by the Board on November 7, 2017 (Agenda Item JJ-8).

The purpose of this Second Amendment to the Professional Services Agreement with Laura M. Perez & Associates, Inc., is to perform a traditional ITB process for an increase to Basic Services Fees in the amount of \$3,495. In April 2019, a Letter of Recommendation (LOR) was issued. However, in June 2019, it was determined that the project should be delivered as a Construction Services Minor Projects (CSMP). The Project Consultant attended various site visits with the contractor and subconsultants, replied to Request for Information (RFIs), issued an addendum, and reviewed the contractor’s estimate. After several months of negotiations, it was decided to discontinue the CSMP process and return to a traditional Invitation to Bid (ITB) process for the SMART Program Renovations at Pines Lakes Elementary School.

AGENDA ITEM	AGENDA ITEM No.	DATE APPROVED	DESCRIPTION	AMOUNT	REVISED FEE AMOUNT
Original PSA	JJ-8	11/7/2017	Professional Services Agreement	\$197,000	\$197,000
First Amendment	JJ-3	3/20/2018	eBuilder Language	\$0	\$197,000
Second Amendment	JJ-16	Pending Board Approval	ITB Bidding Services	\$3,495	\$200,495

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 Laura M. Perez & Associates, Inc. (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 7th day of November 2017, is entered into this 19th day of August, 2020 by and between the Owner and the Project Consultant.

For the project known as: **Pines Lakes Elementary School
Project No. P.002004
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 November 2017, is in full force and effect as revised by the First Amendment dated March 20, 2018, and this Second Amendment; and

WHEREAS, a Letter of Recommendation (LOR) to proceed with the bidding of this project as a traditional Invitation to Bid (ITB) project was issued in April 2019, however, in June 2019, it was determined that the project should instead be delivered as a Construction Services Minor Projects (CSMP) project; and

WHEREAS, pursuant to the change from an ITB to CSMP delivery project, the Project Consultant performed, invoiced for, and was paid for services to facilitate the CSMP project delivery process including the attendance of site visits with the contractor and subconsultants, replying to Requests for Information (RFIs), issuing an addendum and reviewing the contractor's estimate; and

WHEREAS, however, after several months of unsuccessful negotiations, it was decided to discontinue and abandon the CSMP process and return to a traditional ITB process; and

WHEREAS, now that the project delivery is being changed back from a CSMP to ITB process, the Project Consultant is required to perform additional bidding services and is entitled to additional fees; and

WHEREAS, the Project Consultant agrees to perform a traditional ITB process for an increase to Basic Fees in the amount of \$3,495; 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 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 revision in Scope for the Project identified herein as set forth below:

	Original Amount	First Amendment Amount	Description	Second Amendment Amount	Revised Amount
Basic Fees	\$120,000	\$0	ITB Bidding Services	\$3,495	\$123,495
Allowance Expenses	\$47,000	\$0	N/A	\$0	\$47,000
Supplemental Services	\$30,000	\$0	N/A	\$0	\$30,000
Total	\$197,000	\$0	---	\$3,495	\$200,495

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

(SEAL)

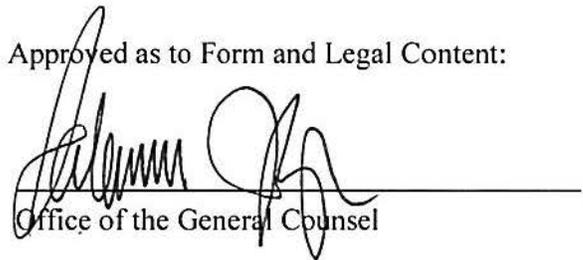
THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

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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EXHIBIT 3

COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: JJ-16./Second Amendment to Professional Services Agreement
Laura M. Perez & Associates, Inc.
Pines Lakes Elementary School, Pembroke Pines
Project No. P.002004
SMART Program Renovations
RFQ 18-034C

School Board Meeting: 08/19/2020

The financial impact of this item is \$3,495

() 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.

OS
(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.

() 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

8/5/2020

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.