



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:

J-2.

MEETING DATE	2020-01-14 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	J. OFFICE OF FACILITIES & CONSTRUCTION
DEPARTMENT	Facilities Pre-Construction

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input type="radio"/> Yes <input checked="" type="radio"/> No

TITLE:

First Amendment to the Agreement for Open End Services - Consultant Name Change on Contract - Surveying Consulting Services - RGQ 17-113C

REQUESTED ACTION:

Approve the First Amendment to the Agreement for Open End Services, Consultant's Name Change from Keith and Schnars, P.A. to KCI Technologies, Inc. on the Contract for Surveying Consulting Services, RFQ 17-113C.

SUMMARY EXPLANATION AND BACKGROUND:

See Executive Summary (Exhibit 1) for details.
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:

There is no financial impact to the District.

EXHIBITS: (List)

(1) Executive Summary (2) First Amendment

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

12/16/2019, 1:55:04 PM

Approved In Open Board Meeting On: **JAN 14 2020**

By:
 School Board Chair

EXECUTIVE SUMMARY

**First Amendment to the Agreement for Open End Services
 Consultant Name Change on Contract
 Surveying Consulting Services
 RFQ 17-113C**

PROJECT OVERVIEW:

Type of Contract:	Professional Services Agreement
Project Architect:	Keith and Schnars, P.A.
Authorization to Proceed	N/A
Original Funding Allocation:	N/A

GENERAL OVERVIEW:

On August 7, 2018 (Agenda Item JJ-13), the Board approved the Agreement for Open End Services between the School Board of Broward County, Florida (SBBC) and Consultant for Surveying Consulting Services with Keith and Schnars, P.A. The purpose of this Amendment is to assign interests of the Open End Services Agreement with Keith and Schnars, P.A. to KCI Technologies, Inc. (KCI). The interests of Keith and Schnars, P.A. have been acquired by KCI which desires to obtain SBBC's consent to assignment of said interests to KCI.

This Amendment has been reviewed and approved as to form and legal content by the Office of the General Counsel.

**FIRST AMENDMENT TO
AGREEMENT**

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into as of this 14th day of January, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "**SBBC**"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

KCI TECHNOLOGIES, INC.
d/b/a **KEITH AND SCHNARS, P.A.**
(hereinafter referred to as "**KCI**"),
a foreign corporation for profit authorized to do business in the State of Florida,
having its principal place of business at
936 Ridgebrook Road,
Sparks, MD 21152

WHEREAS, Keith & Schnars, P.A. submitted a proposal in response to RFQ 17-113C issued by SBBC and the parties entered into an Agreement for Open End Surveying and Consulting Services dated August 7, 2018 (hereafter "**Agreement**"); and

WHEREAS, the Agreement's term is from August 7, 2018 through August 6, 2021, with the possibility of two (2) additional, one-year extensions; and

WHEREAS, the interests of Keith & Schnars, P.A. in the Agreement have been acquired by KCI which desires to obtain SBBC's consent to the assignment of said interests to KCI; and

WHEREAS, the parties mutually desire to amend certain provisions of the Agreement including the substitution of KCI for Keith & Schnars, P.A. for the remainder of the Agreement's term through this First Amendment to Agreement (hereafter "**Amendment**").

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1.01 **Recitals.** The Parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

1.02 **Agreement Assignment.** Pursuant to Section 9.10 of the Agreement, SBBC consents to the assignment to KCI of all rights, duties and obligations of Keith & Schnars, P.A. under the Agreement. All such rights, duties and obligations of Keith & Schnars, P.A. are hereby assigned to KCI Technologies, Inc.

1.03 **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 First Amendment to Agreement; then
- b) the Agreement; then
- c) Addendum 3: then
- d) Addendum 2: then
- e) Addendum 1: then
- f) RFQ 17-113C –Design Professional Services – Continuing Contract for Surveying then
- g) The proposal submitted by Keith & Schnars, P.A.in response to RFQ 17-113C

1.04 **Other Provisions Remain in Force.** Except as expressly provided herein, all other portions of the Agreement remain in full force and effect.

1.05 **Authority.** Each person signing this First Amendment to Agreement on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment to Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this First Amendment to Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this First Amendment to Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(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

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

(Corporate Seal)



FOR KCI

KCI TECHNOLOGIES, INC.

ATTEST:

, Secretary

By [Signature]
Signature

Printed Name: Bryan Lawson

Title: Sr. Project Vice President

-or-
Valerie Marsh

Witness

Cybil F. Tutton
Witness

STATE OF Maryland

COUNTY OF Baltimore

The foregoing instrument was acknowledged before me this 19 day of

November, 2019 by Bryan Lawson of
Name of Person

KCI Technologies, Inc. on behalf of the corporation/agency. He/She is personally

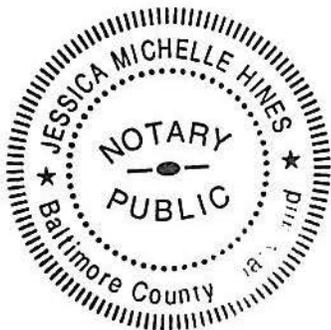
known to me or produced _____ as identification and did/did
not first take an oath. Type of Identification

My Commission Expires: 07/21/22

[Signature]
Signature - Notary Public

Jessica Michelle Hines
Printed Name of Notary

(SEAL)



NA
Notary's Commission No.