



REVISED

# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2020-04-21 10:00 - 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-1.

TITLE:

First Amd. to the Prof. Svcs. Agrmt. (CMAR Proj. Deliv.)-CES Engrg. Svcs., LLC (d/b/a CES Cnsltg., Inc.)-Pkg A: Cresthaven ES-P.001676-Silver Lakes MS-P.002144-New Renaissance MS-P.002143-SMART Program Renovations-RFQ 19-018C

REQUESTED ACTION:

Approve the First Amendment to the Professional Services Agreement (Construction Management at Risk Project Delivery) with CES Engineering Services, LLC, for Package A: Cresthaven Elementary School, P.001676, Silver Lakes Middle School, P.002144, and New Renaissance Middle School, P.002143, Smart Program Renovations, RFQ 19-018C.

SUMMARY EXPLANATION AND BACKGROUND:

For Details 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.

EXHIBITS: (List)

(1) Executive Summary (2) First Amendment (3) Collaboration Form (4) Memo to Revise

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

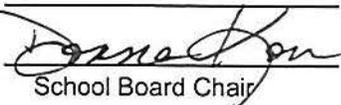
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
Senior Leader & Title

Frank Girardi - Executive Director

Signature

Frank L. Girardi  
4/20/2020, 7:00:07 PM

Approved In Open Board Meeting On: **APR 21 2020**

By:   
School Board Chair

**EXECUTIVE SUMMARY**

**First Amendment to the Professional Services Agreement  
(Construction Management at Risk Project Delivery)**

**CES Engineering Services, LLC (d/b/a CES Consultants, Inc.)**

**Package A: Cresthaven Elementary School–P.001676; Silver Lakes Middle School–P.002144; and  
New Renaissance Middle School–P.002143  
SMART Program Renovations  
RFQ 19-018C**

**PROJECT OVERVIEW:**

<b>Type of Contract:</b>	<b>Professional Services Agreement CMAR Project Delivery</b>
<b>Project Consultant:</b>	<b>CES Consultants, Inc.</b>
<b>Notice to Proceed Date:</b>	<b>Pending Board Approval</b>
<b>Original Funding Allocation:</b>	<b>\$10,120,123</b>

**GENERAL OVERVIEW:**

RFQ 19-018C was advertised on DemandStar on June 27, 2018. The Professional Services Agreement (PSA) between The School Board of Broward County, Florida and CES Consultants, Inc., for architectural/engineering services for Package A: Cresthaven Elementary School, Silver Lakes Middle School, and New Renaissance Middle School (Package A Schools) was approved by the Board on November 7, 2018 (Agenda Item JJ-5).

The purpose of this amendment is to modify the Consultant's original agreement from a Design Bid Build Professional Services Agreement (“D/B/B PSA”) to a Construction Manager at Risk PSA (“CMAR PSA”). The original agreement is a traditional D/B/B PSA wherein the Project Consultant was required to complete Construction design before the Owner requests bids to construct the Project. In order to facilitate an increase of minority participants, Staff desires to change the Agreement from a D/B/B PSA to CMAR PSA. A CMAR PSA requires the Project Consultant to work collaboratively with a Construction Manager to develop the design of the project under a CMAR Agreement between the Owner and Construction Manager.

Staff and the Project Consultant have negotiated a proposed increase in the Professional fees to incorporate the additional work required under a CMAR PSA for Cresthaven Elementary School in the amount of \$28,300, a decrease in Professional Fees for Silver Lakes Middle School in the amount of (\$21,151), and New Renaissance Middle School in the amount of \$22,650, for a total increase of \$29,799.

The following project scope was approved in the September 4, 2019, Adopted District Educational Facilities Plan and in the District’s Capital Budget.

**Package A: Cresthaven Elementary School Total Funds Allocated \$4,416,123:**

**Provide Professional Design Services for Cresthaven Elementary School**

Design Professional shall develop a complete set of design documents that can be permitted for construction, along with construction contract administration services. The design documents scope for this project includes, but not limited to, ADA restroom renovations, building envelope improvements, HVAC improvements, and other items that may be required to execute the Board approved scope.

**Package A: Silver Lakes Middle School Total Funds Allocated \$2,150,000:**

**Provide Professional Design Services for Provide Professional Design Services for Silver Lakes Middle School**

Design Professional shall develop a complete set of design documents that can be permitted for construction, along with construction contract administration services. The design documents scope for this project includes, but not limited to, fire sprinklers, media center improvements, building envelope improvements, and other items that may be required to execute the Board approved scope.

**Package A: New Renaissance Middle School Total Funds Allocated \$3,554,000:**

**Provide Professional Design Services for Provide Professional Design Services for New Renaissance Middle School**

Design Professional shall develop a complete set of design documents that can be permitted for construction, along with construction contract administration services. The design documents scope for this project includes, but not limited to, building envelope improvements, HVAC improvements, and other items that may be required to execute the Board approved scope.

**Total Funds Allocated for Package A: 10,120,123**

This Agreement 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 these projects:

[click here for Cresthaven Elementary School](#); [click here for Silver Lakes Middle School](#); and

[click here for New Renaissance Middle School](#).

**FIRST AMENDMENT  
TO  
PROFESSIONAL SERVICES AGREEMENT**

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

This First Amendment to the Professional Services Agreement ("**Agreement**") between The School Board of Broward County, Florida (hereinafter referred to as "**Owner**") and **CES Engineering Consultants, Inc.** (hereinafter referred to as "**Project Consultant**") for architectural/engineering services dated the 7<sup>th</sup> day of November, 2018, is entered into this 21<sup>st</sup> day of APRIL, 2020 by and between the Owner and the Project Consultant.

For the Project known as: **Cresthaven Elementary School**  
**Project No. P.001676**  
**SMART Program Renovations**

**Silver Lakes Middle School**  
**Project No. P.002144**  
**SMART Program Renovations**

**New Renaissance Middle School**  
**Project No. P.002143**  
**SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 7<sup>th</sup> day of November, 2018, is in full force and effect; and

WHEREAS, the Agreement is a traditional Design/Bid/Build Professional Services Agreement ("**D/B/B PSA**") wherein the Project Consultant was required to complete Construction Documents design prior to the Owner seeking bids to construct the Project; and

WHEREAS, in order to facilitate an increase of minority participants, the Owner desires to change the Agreement from a D/B/B PSA to a Construction Manager at Risk PSA ("**CMAR PSA**"); and

WHEREAS, a CMAR PSA requires the Project Consultant to work collaboratively with a Construction Manager to develop the design of the Project pursuant to a CMAR Agreement between the Owner and Construction Manager; and

WHEREAS, Staff and the Project Consultant have negotiated a proposed increase in the Professional fees to incorporate the additional work required under a CMAR PSA Cresthaven Elementary School in the amount of \$28,300; New Renaissance Middle School in the amount of \$22,650 and a decrease in Professional Fees for Silver Lakes Middle School in the amount of (\$21,151) for a total increase of \$29,799.

NOW, THEREFORE, in exchange for the mutual covenants and promises set forth herein and the sums of money agreed to be paid by the Owner to the Project Consultant, the parties agree as follows:

1. The recitals contained herein are true and correct and are incorporated herein by reference.
2. **Revised Terms.**
  - a. **Scope of Services.** The Project Consultant shall perform all work identified in the CMAR PSA attached hereto as **Exhibit "A."** The CMAR PSA shall replace the DBB PSA in its entirety. Specific changes to the existing DBB PSA to incorporate requirements of the CMAR PSA are indicated in attached **Exhibit "B"** as either ~~stricken text~~ (deleted text) or **bold underlined text** (added text).
  - b. **Fees.** The additional work associated with the change from DBB to CMAR results in a net increase to the Project Consultant's Fees in the amount of \$28,300 for Cresthaven Elementary School; \$22,650 for New Renaissance Middle School and a net decrease to the Project Consultant's Fees in the amount of (\$21,151) for Silver Lakes Middle School.

**Cresthaven Elementary School:**

	Original PSA Amounts	First Amendment Revisions	Description	Revised Amount
Basic Fees	\$283,000	\$28,300	Additional obligation to work with CMAR.	\$311,300
Allowances	\$27,000	\$0	N/A	\$27,000
Supplemental Services	\$30,000	\$0	N/A	\$30,000
<b>Total</b>	<b>\$340,000</b>	<b>\$28,300</b>	<b>N/A</b>	<b>\$368,300</b>

**Silver Lakes Middle School:**

	Original PSA Amounts	First Amendment Revisions	Description	Revised Amount
Basic Fees	\$138,500	(\$31,151)	Decrease of additional work with CMAR.	\$107,349
Allowances	\$42,000	\$0	N/A	\$42,000
Supplemental Services	\$20,000	\$10,000	Additional Supplemental Services	\$30,000
<b>Total</b>	<b>\$200,500</b>	<b>(\$21,151)</b>	<b>N/A</b>	<b>\$179,349</b>

**New Renaissance Middle School:**

	<b>Original PSA Amounts</b>	<b>First Amendment Revisions</b>	<b>Description</b>	<b>Revised Amount</b>
<b>Basic Fees</b>	\$226,500	\$22,650	Additional obligation to work with CMAR.	<b>\$249,150</b>
<b>Allowances</b>	\$27,000	\$0	N/A	<b>\$27,000</b>
<b>Supplemental Services</b>	\$20,000	\$0	N/A	<b>\$20,000</b>
<b>Total</b>	<b>\$273,500</b>	<b>\$22,650</b>	N/A	<b>\$296,150</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 First Amendment to Agreement; then
- b) the Agreement.

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

**(Remainder of page intentionally left blank)**

IN WITNESS WHEREOF, the parties hereto have caused this First 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)



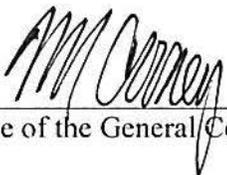
**THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA**

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)

**CES ENGINEERING SERVICES, LLC**

ATTEST:

By *SR Collins*  
Steven R. Collins, Vice President

\_\_\_\_\_  
, Secretary

-or-

*[Signature]*  
Witness  
*[Signature]*  
Witness

CA30772  
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 8 day of April, 2020 by Steven R. Collins of CES Engineering Services, LLC on behalf of the corporation or agency.

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

My commission expires:  
10/12/2021

*Gregory R Dupuis*  
Signature, Notary Public

GREGORY R. DUPUIS  
Printed Name of Notary

