



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

<b>MEETING DATE</b>	2020-04-14 10:00 - Special Meeting
<b>AGENDA ITEM</b>	SUPERINTENDENT'S RECOMMENDATION
<b>CATEGORY</b>	
<b>DEPARTMENT</b>	Facilities Pre-Construction

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

**ITEM No.:**  
16.

**TITLE:**  
Second Amendment to Professional Services Agreement - Jorge A. Gutierrez Architects, LLC - Indian Ridge Middle School - Davie - Project No. P.001748 - SMART Program Renovations - RFQ 16-133C

**REQUESTED ACTION:**  
Approve the Second Amendment in the amount of \$114,589 to the Professional Services Agreement dated July 26, 2016 with Jorge A. Gutierrez Architect, LLC, Indian Ridge Middle School, SMART Program Renovations, RFQ 16-133C.

**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*  
4/8/2020, 9:30:34 AM

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

Approved In Open Board Meeting On: **APR 14 2020**  
By: *Dana Ken*  
School Board Chair

EXECUTIVE SUMMARY

**Second Amendment to Professional Services Agreement  
 Jorge A. Gutierrez Architects, LLC  
 Indian Ridge Middle School, Davie  
 Project No. P.001748  
 SMART Program Renovations  
 RFQ 16-133C**

**PROJECT OVERVIEW:**

<b>Type of Contract:</b>	<b>Professional Services Agreement</b>
<b>Project Architect:</b>	<b>Jorge A. Gutierrez Architects, LLC</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 July 26, 2016 (Agenda Item JJ-7).

The purpose of this Second Amendment to the Professional Services Agreement with Jorge A. Gutierrez Architects, LLC is for adjustments to the Basic Services Fees in the amount of \$114,589 associated with an increase to the FLCC for SMART Program Renovations at Indian Ridge Middle School. This is based on a Construction Bid Recommendation awarded to LEGO Construction Co. approved by the Board on November 7, 2017 (Agenda Item JJ-10).

AGENDA ITEM	AGENDA ITEM No.	DATE APPROVED	DESCRIPTION	AMOUNT	REVISED FEE AMOUNT
Original PSA	JJ-7	7/26/2016	Professional Services Agreement	\$322,000	\$322,000
First Amendment	JJ-3	3/20/2018	e-Builder Language	\$0	\$322,000
Second Amendment	Item 16.	Pending Board Approval	Adjustment Associated with Increase to FLCC	\$114,589	\$436,589

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 Jorge A. Gutierrez Architect, LLC (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 26<sup>th</sup> day of July, 2016, is entered into this 14<sup>th</sup> day of April, 2020 by and between the Owner and the Project Consultant.

For the Project known as: **Indian Ridge Middle School  
Project No. P.001748  
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 26<sup>th</sup> day of July 2016, is in full force and effect as revised by the First Amendment dated March 20, 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 \$308,340 was established at 9% of the original Fixed Limit of Construction Cost (FLCC) of \$3,425,995; 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 November 7, 2017 the Board approved the recommendation to award the Construction Agreement for this Project to LEGO Construction Co. for a lump sum of \$4,699,211 in addition to approving additional funding in the amount of \$1,273,216; and

WHEREAS, a portion of this additional funding was used to increase the FLCC from \$3,425,995 to \$4,699,211; and

WHEREAS, pursuant to Article 2.1.2 and Attachment 6.b of the Agreement, the Project Consultant has requested a fee adjustment based on the increase to the FLCC that will increase basic fees in the amount of \$114,589; and

WHEREAS, CBRE | Heery and Atkins North America, Inc. have evaluated this request and determined that the increase is fair and reasonable based on Attachment 6.b of the Agreement which contains a fee percentage table based on construction contract ranges and project complexity.

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.** The Project Consultant shall receive additional compensation for basic fees as set forth below:

	Original Amount	First Amendment Revisions	Description	Second Amendment Amount	Revised Amount
Basic Fee	\$308,340	\$0	Adjustment Associated with Increase to FLCC	\$114,589	\$422,929
Supplemental Services	\$13,660	\$0	N/A	\$0	\$13,660
Total	\$322,000	\$0	N/A	\$114,589	\$436,589

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) the 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)

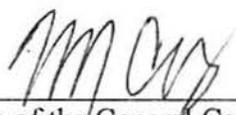
THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

By   
Donna P. Korn, Chair

ATTEST

  
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

  
Office of the General Counsel

[Remainder of page intentionally left blank]



**FOR PROJECT CONSULTANT**

Jorge A. Gutierrez Architect, LLC

ATTEST:

Schwiehause, Secretary

By [Signature]  
Jorge A. Gutierrez, President

-or-

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

AR14571 / AA 26002181  
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 19 day of MARCH, 2020 by Jorge A. Gutierrez of Jorge A. Gutierrez Architect, LLC on behalf of the corporation or agency.

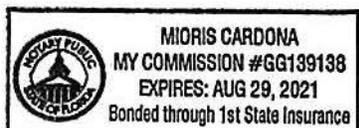
He/she is personally known to me or produced as Identification \_\_\_\_\_ and did/did not first take an oath.

My commission expires:  
Aug. 29, 2021

[Signature]  
Signature, Notary Public

(SEAL)

Mioris Cardona  
Printed Name of Notary



# COLLABORATION

## SIGN-OFF FORM

Item #/Title of Agenda Request Item: 16./Second Amendment to Professional Services Agreement  
 Jorge A. Gutierrez Architects, LLC  
 Indian Ridge Middle School, Davie  
 Project No. P.001748  
 SMART Program Renovations  
 RFQ 16-133C

Special School Board Meeting: 04/14/2020

The financial impact of this item is \$114,589

- 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.
- 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 based on the additional scope approved in this item.
- 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

 4/7/2020

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.