



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2020-04-14 10:00 - Special Meeting
AGENDA ITEM	SUPERINTENDENT'S RECOMMENDATION
CATEGORY	
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.:
18.

TITLE:
Third Amendment to Professional Services Agreement - M.C. Harry and Associates, Inc. - Maplewood Elementary School - Coral Springs - Project No. P.001639 - SMART Program Renovations - REQ 16-087F

REQUESTED ACTION:
Approve the Third Amendment in the amount of \$134,455 to the Professional Services Agreement dated December 5, 2017 with M.C. Harry and Associates, Inc., Maplewood Elementary School, Project No. P.001639, SMART Program Renovations, RFQ 16-087F.

SUMMARY EXPLANATION AND BACKGROUND:
Purpose of 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) Third Amendment (3) Collaboration Form

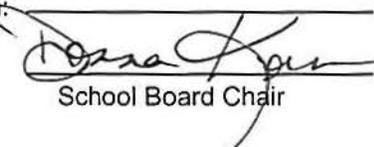
BOARD ACTION:
APPROVED
(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:	
Name: Shelley N. Meloni, Director, Pre-Constr.	Phone: 754-321-1515
Name: Daniel Jardine, 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, 10:32:44 PM

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

EXECUTIVE SUMMARY

**Third Amendment to Professional Services Agreement
M.C. Harry and Associates, Inc.
Maplewood Elementary School, Coral Springs
Project No. P.001639
SMART Program Renovations
RFQ 16-087F**

PROJECT OVERVIEW:

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

GENERAL OVERVIEW:

The Professional Services Agreement was approved by the Board on June 21, 2016 (Agenda Item JJ-7).

The purpose of this Third Amendment to the Professional Services Agreement with M.C. Harry and Associates, Inc., is for an increase to the Basic Services Fees in the amount of \$134,455 associated with an increase to the FLCC for SMART Program Renovations at Maplewood Elementary School. This is based on a Construction Bid Recommendation awarded to Lunacon Engineering Group Corp. approved by the Board on December 10, 2019 (Agenda Item JJ-1). Included in this Basic Services Fee increase is a reduction in the amount of \$11,050 due to delays associated with deliverables for the SMART Program Renovations at Maplewood Elementary School.

AGENDA ITEM	AGENDA ITEM No.	DATE APPROVED	DESCRIPTION	AMOUNT	REVISED FEE AMOUNT
Original PSA	JJ-7	6/21/2016	Professional Services Agreement	\$177,000	\$177,000
First Amendment	JJ-7	8/8/2017	Increase in Additional Services for Fire Main Loop and Allowances for Supplemental Services	\$50,595	\$227,595
Second Amendment	JJ-3	3/20/2018	e-Builder Language	\$0	\$227,595
Third Amendment	Item 18.	Pending Board Approval	Adjustment Associated with Increase to FLCC	\$134,455	\$362,050

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 M.C Harry and Associates (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 21st day of June, 2016, is entered into this 14th day of April, 2020 by and between the Owner and the Project Consultant.

For the Project known as: **Maplewood Elementary School
Project No. P.001639
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 21st day of June, 2016, is in full force and effect as revised by the First Amendment dated August 8, 2017 and the Second 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 \$152,075 was established at 10% of the original Fixed Limit of Construction Cost (FLCC) of \$1,520,754; 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 December 10, 2019 the Board approved the recommendation to award the Construction Agreement for this Project to Lunacon Engineering Group, Corp. for a lump sum of \$3,507,115 in addition to approving additional funding in the amount of \$2,295,826; and

WHEREAS, a portion of this additional funding was used to increase the FLCC from \$1,520,754 to \$3,507,115; 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 \$134,455. Included in this fee increase is a fee reduction in the amount of \$11,050 due to delays associated with deliverables; 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	Second Amendment Revisions	Description	Third Amendment Amount	Revised Amount
Basic Fee	\$152,075	\$35,595	\$0	Adjustment Associated with Increase to FLCC	\$134,455	\$322,125
Supplemental Services	\$24,925	\$15,000	\$0	N/A	\$0	\$39,925
Total	\$177,000	\$50,595	\$0	N/A	\$134,455	\$362,050

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.

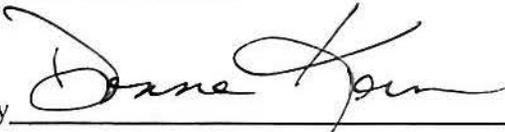
5. **Authority:** Each person signing this Second Amendment on behalf of either party warrants that he or she has full legal power to execute this Second Amendment on behalf of the party for whom he or she is signing it to bind and obligate such party with respect to all provisions contained in this Third Amendment.

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

(SEAL)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By 

Donna P. Korn, Chair

ATTEST



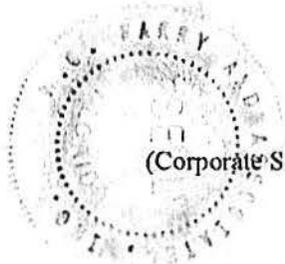
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:



Office of the General Counsel

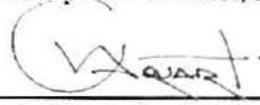
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(Corporate Seal)

FOR PROJECT CONSULTANT

M.C. Harry and Associates, Inc.

By 
Craig Aquart, President

ATTEST:



Lourdes Solera, FAIA, Secretary

-or-

Witness

Witness

AR96477

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 23 day of March, 2020 by Craig Aquart of M.C. Harry and Associates, 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:

May 24, 2021

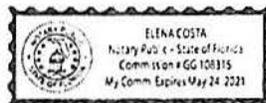


Signature, Notary Public

Elena Costa

Printed Name of Notary

(SEAL)



COLLABORATION

SIGN-OFF FORM

Item #/Title of Agenda Request Item: 18./Third Amendment to Professional Services Agreement
 M.C. Harry and Associates, Inc.
 Maplewood Elementary School, Coral Springs
 Project No. P.001639
 SMART Program Renovations
 RFQ 16-087F

Special School Board Meeting: 04/14/2020

The financial impact of this item is \$134,455

- 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



4/8/2020

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.