



**CITY OF DELRAY BEACH
100 NW 1st AVENUE, DELRAY BEACH, FL 33444**

**AMENDMENT NO. 4 TO
AGREEMENT FOR PROFESSIONAL SERVICES
RFQ NO. 2017-048**

BAXTER & WOODMAN, INC.

CITY OF DELRAY BEACH
AMENDMENT NO. 4 TO AGREEMENT NO. 2017-048
CONTINUING ENGINEERING, SURVEYING, AND LANDSCAPING ARCHITECTURAL
CONSULTING SERVICES

THIS AMENDMENT NO. 4 to Agreement No. RFQ 2017-048 Continuing Engineering, Surveying and Landscaping Architectural Consulting Services dated August 31, 2017, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as "City"), and Baxter & Woodman, Inc. (hereinafter referred to as "Consultant"), an Illinois corporation authorized to do business in the State of Florida, is entered into this 14th day of November, 2023

WITNESSETH:

WHEREAS, on August 31, 2017, the City entered into a five-year agreement with Baxter & Woodman, Inc., dba Matthews Consulting, a Baxter & Woodman Company for continuing engineering, surveying, and landscape architectural consulting services (hereinafter referred to as the "Agreement"); and

WHEREAS, on April 17, 2018, the City executed Amendment No. 1 to the Agreement to add a lump sum compensation method and a multiplier option; and

WHEREAS, on July 6, 2021, the City executed Amendment No. 2 to the Agreement to make an adjustment to the hourly rates of the Consultant's personnel and to recognize the name change of the Consultant to Baxter & Woodman, Inc.; and

WHEREAS, on October 11, 2022, the City executed Amendment No. 3 to the Agreement to make an adjustment to the hourly rates of the Consultant's personnel; and

WHEREAS, pursuant to the terms and conditions of the Agreement, the Consultant has applied for and the City desires to accept an adjustment to the hourly rates of Consultant's personnel beginning retroactively as of September 1, 2023; and

WHEREAS, Consultant agrees to continue to provide services to City in accordance with the terms and conditions of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration of which the parties hereto acknowledge, the parties agree as follows:

1. The above recitals are true and correct and are incorporated herein.
2. Effective September 1, 2023, Exhibit "B" of the Agreement, is hereby replaced in its entirety with the revised Exhibit "B", which is attached hereto and incorporated herein.
3. Except as provided herein, all other terms and conditions of the Agreement remain in full force and effect and are hereby confirmed. The Agreement, Amendment No. 1, Amendment No. 2, Amendment No. 3, and this Amendment No. 4 represent the entire understanding between the parties on the issues contained herein, either written or oral, and may only be amended by written instrument signed by both parties.

IN WITNESS WHEREOF, the City and Consultant hereto have executed this Amendment as of the day and year first above written:

ATTEST:

CITY OF DELRAY BEACH

Katerri Johnson
Katerri Johnson, City Clerk

BY: Shelly Petrofia
Shelly Petrofia, Mayor

Approved as to form for legal sufficiency:

Lynn Gelin
Lynn Gelin, City Attorney



BAXTER & WOODMAN, INC.

By: Rebecca Travis
REBECCA TRAVIS, PE

Printed Name

EXECUTIVE VICE PRESIDENT
FLORIDA DIVISION MANAGER

Title

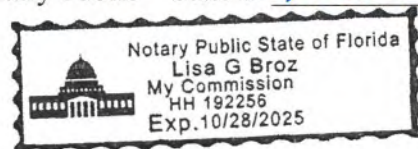


STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19TH day of OCTOBER, 2023 by REBECCA TRAVIS, PE (name of person), as EXECUTIVE VICE PRES. (type of authority) for BAXTER & WOODMAN, INC. (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification ☐
Type of Identification Produced _____

L B
Notary Public – State of FLORIDA





1601 Forum Place, Suite 400, West Palm Beach, FL 33401 • baxterwoodman.com

August 28, 2023

Ms. Cynthia Buisson, PE
Assistant Public Works Director
Environmental Services Division
City of Delray Beach
434 S. Swinton Avenue
Delray Beach, FL 33444

Subject: Baxter & Woodman
Engineering Consulting Services
Agreement No. 2017-048 (918-42, 918-89, 906-56)
Rate Increase Request

Dear Cynthia,

Please find enclosed the Exhibit B Fee Schedule from the above referenced agreement, which includes hourly rate adjustments for the personnel categories effective September 2023. Our last rate increase request was in 2022. We have included the Employment Cost Index Summary from the US Bureau of Labor Statistics for June 2023 as applicable.

We appreciate your consideration of our request.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS

A handwritten signature in blue ink, appearing to read "Rebecca Travis".

Rebecca Travis, P.E.
Executive Vice President / Florida Division Manager

Attachment: *US Bureau of Labor Employment Cost Index Summary June 2023*
Contract Rate Schedule

Baxter & Woodman, Inc.
Engineering Consulting Services

City of Delray Beach Agreement No. 2017-048 (918-42, 918-89, 906-56)

Rate Adjustment Request August 28, 2023

Exhibit B

Category Engineer	Current 2022-Hrly Raw Salary Rate	2023/2024 Hrly Raw Salary Rate	<i>Proposed</i> Hrly Salary Rate w/3x Multiplier
Principal Engineer	\$ 57.50	\$ 60.09	\$ 180.26
Project Manager	\$ 35.58	\$ 37.18	\$ 111.54
Senior Engineer	\$ 37.25	\$ 38.93	\$ 116.78
Engineer I	\$ 21.53	\$ 22.50	\$ 67.50
Engineer II	\$ 26.40	\$ 27.59	\$ 82.76
Sr. Engineering Tech	\$ 27.14	\$ 28.36	\$ 85.08
Sr. CAD Designer	\$ 23.41	\$ 24.46	\$ 73.39
CADD Designer	\$ 21.53	\$ 22.50	\$ 67.50
Construction Manager	\$ 32.29	\$ 33.74	\$ 101.23
Sr. Inspector	\$ 23.68	\$ 24.75	\$ 74.24
Office Support	\$ 20.11	\$ 21.01	\$ 63.04

* US Bureau of Labor Statistics, Employment Cost Index 12-month index, not seasonally adjusted = 4.5%



Economic News Release

Table 5. Compensation (not seasonally adjusted): Employment Cost Index for total compensation, for private industry workers, by occupational group and industry

Table 5. Employment Cost Index for total compensation⁽¹⁾, for private industry workers, by occupational group and industry [Not seasonally adjusted]

Occupational group and industry	Indexes (Dec. 2005=100)			Percent changes for					
	Jun. 2022	Mar. 2023	Jun. 2023	3-months ended-			12-months ended-		
				Jun. 2022	Mar. 2023	Jun. 2023	Jun. 2022	Mar. 2023	Jun. 2023
All workers	152.4	157.4	159.2	1.5	1.4	1.1	5.5	4.8	4.5
Excluding incentive paid occupations ⁽²⁾	152.1	157.3	159.0	1.3	1.5	1.1	5.4	4.8	4.5
Occupational group									
Management, professional, and related	148.5	152.9	154.7	1.3	1.4	1.2	4.8	4.3	4.2
Excluding incentive paid occupations ⁽²⁾	147.4	152.1	153.8	1.1	1.5	1.1	4.7	4.3	4.3
Management, business, and financial	150.2	153.8	155.8	1.6	1.3	1.3	4.8	4.0	3.7
Excluding incentive paid occupations ⁽²⁾	148.4	152.7	154.6	1.1	1.5	1.2	4.7	4.0	4.2
Professional and related	147.1	152.4	154.0	1.0	1.5	1.0	4.7	4.7	4.7
Sales and office	155.8	161.3	163.1	2.1	1.4	1.1	6.3	5.7	4.7
Excluding incentive paid occupations ⁽²⁾	156.9	163.0	164.8	1.6	1.7	1.1	6.0	5.6	5.0
Sales and related	153.8	159.0	160.8	2.6	1.3	1.1	7.0	6.1	4.6
Excluding incentive paid occupations ⁽²⁾	157.0	163.8	165.6	1.5	2.0	1.1	6.7	5.9	5.5
Office and administrative support	156.3	161.9	163.7	1.6	1.4	1.1	5.5	5.3	4.7
Natural resources, construction, and maintenance	150.4	154.8	156.6	1.3	1.2	1.2	4.3	4.3	4.1
Construction, extraction, farming, fishing, and forestry occupations	150.1	154.1	155.8	1.1	1.0	1.1	4.0	3.8	3.8
Installation, maintenance, and repair	150.8	155.6	157.3	1.5	1.5	1.1	4.6	4.8	4.3
Production, transportation, and material moving	155.2	160.3	161.9	1.2	1.3	1.0	5.7	4.5	4.3
Excluding incentive paid occupations ⁽²⁾	154.9	160.1	161.7	1.2	1.4	1.0	5.7	4.6	4.4
Production	151.8	157.1	158.7	1.3	1.4	1.0	5.6	4.8	4.5
Excluding incentive paid occupations ⁽²⁾	152.4	157.5	159.1	1.3	1.4	1.0	5.8	4.7	4.4
Transportation and material moving	160.3	165.5	167.1	1.1	1.3	1.0	5.9	4.4	4.2
Service occupations	162.1	169.0	170.7	1.7	1.4	1.0	8.0	6.0	5.3
Industry and occupational group									
Goods-producing industries ⁽³⁾	148.2	152.5	154.1	1.4	1.3	1.0	4.7	4.3	4.0
Excluding incentive paid occupations ⁽²⁾	148.1	152.3	153.8	1.2	1.3	1.0	4.7	4.0	3.8
Management, professional, and related	143.2	146.4	147.8	0.8	1.5	1.0	4.0	3.0	3.2
Sales and office	153.9	160.4	162.6	4.0	1.5	1.4	5.3	8.4	5.7
Natural resources, construction, and maintenance	149.4	153.5	155.2	1.2	1.1	1.1	4.1	3.9	3.9
Production, transportation, and material moving	150.2	155.1	156.7	1.3	1.2	1.0	5.7	4.7	4.3
Construction	149.0	153.3	155.1	2.0	1.3	1.2	4.0	4.9	4.1
Manufacturing	148.0	152.3	153.7	1.2	1.3	0.9	5.1	4.2	3.9
Management, professional, and related	144.6	147.6	148.9	0.8	1.4	0.9	4.3	2.9	3.0
Sales and office occupations	151.1	156.8	158.5	1.5	1.2	1.1	5.3	5.4	4.9
Natural resources, construction, and maintenance	147.5	151.9	153.4	1.2	1.2	1.0	4.2	4.3	4.0

Footnotes

(1) Includes wages, salaries, and employer costs for employee benefits.

(2) The index for this series is not strictly comparable with other series in this table.

(3) Includes mining, construction, and manufacturing.

(4) Includes the following industries: wholesale trade; retail trade; transportation and warehousing; utilities; information; finance and insurance; real estate and rental and leasing; professional and technical services; management of companies and enterprises; administrative and waste services; educational services; health care and social assistance; arts, entertainment and recreation; accommodation and food services; and other services, except public administration.

SOURCE: U.S. Bureau of Labor Statistics, National Compensation Survey

Occupational group and industry	Indexes (Dec. 2005=100)			Percent changes for					
	Jun. 2022	Mar. 2023	Jun. 2023	3-months ended-			12-months ended-		
	Jun. 2022	Mar. 2023	Jun. 2023	Jun. 2022	Mar. 2023	Jun. 2023	Jun. 2022	Mar. 2023	Jun. 2023
Production, transportation, and material moving	149.9	154.9	156.5	1.4	1.2	1.0	5.7	4.7	4.4
Aircraft manufacturing	141.8	133.6	134.6	0.6	1.8	0.7	13.0	-5.2	-5.1
Service-providing industries ⁽⁴⁾	153.7	158.8	160.6	1.6	1.4	1.1	5.8	5.0	4.5
Excluding incentive paid occupations ⁽²⁾	153.3	158.8	160.6	1.4	1.5	1.1	5.7	5.0	4.8
Management, professional, and related	149.4	154.1	155.9	1.4	1.4	1.2	4.9	4.5	4.4
Sales and office	156.0	161.4	163.1	1.9	1.4	1.1	6.4	5.4	4.6
Natural resources, construction, and maintenance	151.9	156.8	158.6	1.5	1.5	1.1	4.6	4.8	4.4
Production, transportation, and material moving	160.7	166.1	167.7	1.0	1.4	1.0	5.7	4.4	4.4
Service occupations	162.1	169.0	170.7	1.7	1.4	1.0	8.0	6.0	5.3
Trade, transportation, and utilities	157.6	162.2	164.4	1.5	1.3	1.4	6.3	4.4	4.3
Excluding incentive paid occupations ⁽²⁾	157.2	162.7	164.7	1.3	1.6	1.2	5.9	4.8	4.8
Wholesale trade	151.5	155.2	157.9	1.8	1.3	1.7	6.5	4.3	4.2
Excluding incentive paid occupations ⁽²⁾	152.9	158.4	160.7	1.3	1.6	1.5	5.7	5.0	5.1
Retail trade	161.7	167.4	169.3	1.8	1.6	1.1	7.6	5.4	4.7
Excluding incentive paid occupations ⁽²⁾	159.7	166.0	167.9	1.7	2.0	1.1	7.3	5.7	5.1
Transportation and warehousing	157.0	161.2	163.1	0.4	0.9	1.2	3.9	3.1	3.9
Utilities	161.9	166.8	169.2	0.7	1.6	1.4	3.3	3.7	4.5
Information	149.2	154.5	156.2	1.4	1.4	1.1	4.8	5.0	4.7
Financial activities	152.5	155.1	157.9	2.7	0.8	1.8	5.2	4.4	3.5
Excluding incentive paid occupations ⁽²⁾	152.1	156.9	158.6	1.9	1.9	1.1	5.7	5.1	4.3
Finance and insurance	153.1	155.4	158.4	2.9	0.7	1.9	4.9	4.4	3.5
Credit intermediation and related activities	154.3	156.3	158.4	3.9	1.4	1.3	6.3	5.3	2.7
Excluding incentive paid occupations ⁽²⁾	155.1	161.1	162.4	2.0	2.2	0.8	5.9	6.0	4.7
Insurance carriers and related activities	153.4	157.8	160.0	2.2	1.7	1.4	5.4	5.1	4.3
Excluding incentive paid occupations ⁽²⁾	151.4	155.8	157.8	1.7	1.9	1.3	5.0	4.7	4.2
Real estate and rental and leasing	149.9	153.9	155.6	2.0	1.3	1.1	6.6	4.8	3.8
Excluding incentive paid occupations ⁽²⁾	154.0	158.1	160.0	2.0	1.3	1.2	6.3	4.7	3.9
Professional and business services	152.4	157.9	159.2	1.5	1.7	0.8	5.4	5.1	4.5
Professional, scientific, and technical services	153.5	158.9	160.2	1.6	1.8	0.8	5.2	5.2	4.4
Administrative and support and waste management and remediation services	152.7	158.2	159.5	1.5	1.7	0.8	6.3	5.2	4.5
Education and health services	150.1	156.1	157.5	1.2	1.3	0.9	5.6	5.3	4.9
Educational services	147.4	152.8	153.5	1.4	0.9	0.5	4.8	5.1	4.1
Junior colleges, colleges, universities, and professional schools	147.1	151.9	152.6	0.9	0.7	0.5	3.9	4.2	3.7
Health care and social assistance	150.6	156.8	158.4	1.1	1.4	1.0	5.7	5.3	5.2
Hospitals	151.5	157.8	159.4	1.1	1.5	1.0	5.5	5.3	5.2
Nursing and residential care facilities	149.9	156.6	158.1	1.6	1.4	1.0	7.1	6.1	5.5
Nursing care facilities ⁽²⁾	149.2	156.0	157.9	1.8	1.2	1.2	7.1	6.4	5.8
Leisure and hospitality	162.4	169.3	171.1	1.6	1.8	1.1	7.8	5.9	5.4
Accommodation and food service	166.1	173.0	175.2	1.7	1.9	1.3	8.1	5.9	5.5
Other services, except public administration	154.1	159.7	161.6	1.0	2.2	1.2	5.3	4.7	4.9

Footnotes

⁽¹⁾Includes wages, salaries, and employer costs for employee benefits.

⁽²⁾The index for this series is not strictly comparable with other series in this table.

⁽³⁾Includes mining, construction, and manufacturing.

⁽⁴⁾Includes the following industries: wholesale trade; retail trade; transportation and warehousing; utilities; information; finance and insurance; real estate and rental and leasing; professional and technical services; management of companies and enterprises; administrative and waste services; educational services; health care and social assistance; arts, entertainment and recreation; accommodation and food services; and other services, except public administration.

SOURCE: U.S. Bureau of Labor Statistics, National Compensation Survey

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U.S. BUREAU OF LABOR STATISTICS Office of Compensation and Working Conditions PSB Suite 4160 2 Massachusetts Avenue NE
Washington, DC 20212-0001

Telephone: 1-202-691-6199, www.bls.gov/ECI [Contact ECI](#)

CITY ATTORNEY OFFICE - LEGAL REVIEW CHECKLIST

Name of Agreement: AMENDMENT NO. 4 TO AGREEMENT NO. 2017-048 CONTINUING ENGINEERING, SURVEYING, AND LANDSCAPING ARCHITECTURAL CONSULTING SERVICES

Department: Public Works

Contact person: Belinda Defoor

City Manager approval ☒

City Commission approval ☐

Reviewed by Purchasing ☒

Agenda item #:

Agenda meeting date:

Resolution #:

Agreement Action:

New ☐

Renewal* ☐

Amendment* ☒

*Renewal: Only change is the agreement term

*Amendment: For changes other than/in addition to term

Does the Contractor require the City to sign first?: No

For City Attorney Use only:

Agreement Terms:

Comments/Specific Provision in Agreement

Term (Duration of Agreement)	Art. 4: effective date through August 30, 2022 with option to renew for one two-year term
Termination Clause	Art. 5: with or without cause by City with written notice or upon 30 days written notice for Consultant
Renewal Clause	Art. 4: option to renew for one two-year term
Insurance	City standard
Indemnification	City standard
Assignment	Amendment No. 3, 3: not without written consent
Fiscal Funding Requirement	5(b)
FL. Public Records Provision (2016)	RFQ 22
Inspector General Provision	RFQ 25
Governing Law	Florida
Venue	Palm Beach County
Attorney's fees	n/a
E-verify	Amendment 3, Section 4.

Business Principles:

Comments

Fees: Total Value	\$2,000,000.00 (The Amendment will not increase the estimated value of the Agreement)
Fees: Per Fiscal Year	

Other Issues:

Comments

Non-Negotiable Issues/ Miscellaneous Issues/ Special Considerations	
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Consistent with applicable policies including, but not limited to, Procurement policies. Yes ☒

Attorney: Kelly Brandon, Esq.

Reviewed and approved as to form and legal sufficiency only

Form version 5, March, 2018