



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

AMENDMENT NO. 2 TO
AGREEMENT NO. 2017-048

BAXTER & WOODMAN, INC.

CITY OF DELRAY BEACH
AMENDMENT NO. 2 TO
AGREEMENT NO. 2017-048

THIS AMENDMENT NO. 2 to Agreement No. 2017-048 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 6th day of July, 2021.

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, pursuant to the terms and conditions of the Agreement, the Consultant has made application for and the City desires to accept an adjustment to the hourly salary rates effective September 1, 2021; and

WHEREAS, the City was notified that Baxter & Woodman, Inc., dba Mathews Consulting, a Baxter & Woodman Company, officially changed its business name to Baxter & Woodman, Inc.; and

WHEREAS, the City desires to formally adopt the business name change to Baxter & Woodman, Inc.; and

WHEREAS, Consultant agrees to continue to provide services to City in accordance with the terms and conditions of the Agreement and as amended by Amendment No. 1 and this Amendment No. 2.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the parties do agree that the Agreement is amended as follows:

1. The above recitals are true and correct and are incorporated herein.
2. Effective September 1, 2021, Exhibit "B" of the Agreement dated August 31, 2017, is hereby replaced in its entirety with the revised Exhibit "B", which is attached hereto and incorporated herein.
3. By entering into this Agreement Consultant acknowledges its obligation to comply with the provisions of Section 448.095, Fla. Stat., "Employment Eligibility." Consultant affirms and represents it is registered with the E-Verify system, utilizing same, and will continue to utilize same as required by law. Compliance with this section includes, but is not limited to, utilization of the E-Verify System to verify the work authorization status of all newly hired employees and requiring all subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Failure to comply with this section will result in the termination of this Agreement, or if your subcontractor knowingly violates the statute, the subcontract must be terminated immediately. Any challenge to termination under this provision must be filed in the Circuit Court no later than 20 calendar days after the date of termination. If terminated for a violation of the statute by Consultant, the Consultant may be prohibited from conducting future business with the

City or awarded a solicitation or contract for a period of 1 year after the date of termination. All costs incurred to initiate and sustain the aforementioned programs shall be the responsibility of the Consultant.

4. 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, and this Amendment No. 2 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:

Katerri Johnson
Katerri Johnson, City Clerk

CITY OF DELRAY BEACH

BY: Shelly Petrolia
Shelly Petrolia, Mayor

Approved as to form for legal sufficiency:

Lynn Gelin
Lynn Gelin, City Attorney

BAXTER & WOODMAN, INC.

By: Rebecca Travis
Printed Name
Executive Vice President
Title



STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17 day of May, 2021, by Rebecca Travis (name of person), as Executive Vice President (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 —



Courtney Marshall
Notary Public – State of Florida

July 25th, 2019

BUSINESS NAME CHANGE ANNOUNCEMENT

Baxter & Woodman, Inc. and Mathews Consulting merged in July 2016. Since that time, we have doubled our Florida staff, added additional engineering expertise, and opened a Fort Lauderdale office to serve clients. We have worked hard to become one team/one firm, while still providing the personal, responsive service you deserve.

Beginning August 1, 2019, we will formally change the business name from Mathews Consulting, a Baxter & Woodman company to Baxter & Woodman, Inc.

We are excited to move forward under a single name and purpose – *providing our clients with exceptional planning, design, construction and technology services for water, wastewater, stormwater and transportation facilities!*

We look forward to the opportunity to serve you.


Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



John V. Ambrose, PE
President/CEO

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Rebecca Travis, PE, ENV SP
Vice President/Florida Division Manager

March 12, 2021
(Revised May 11, 2021)

Ms. Cynthia Buisson, PE
Engineering 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 April 27, 2021. Our last rate increase request was in 2018. We have included the Employment Cost Index Summary from the US Bureau of Labor Statistics for March 2021 as applicable.

We appreciate your consideration of our request.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



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

Attachment: US Bureau of Labor Employment Cost Index Summary March 2021
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 May 11, 2021

Exhibit B

Category Engineer	Current 2018-Hrly Raw Salary Rate	2021-Hrly Raw Salary Rate w/Adj*	<i>Proposed</i> Hrly Salary Rate w/3x Multiplier Option
Principal Engineer	\$ 53.42	\$ 55.02	\$ 165.07
Project Manager	\$ 33.06	\$ 34.05	\$ 102.16
Senior Engineer	\$ 34.61	\$ 35.65	\$ 106.94
Engineer I	\$ 20.00	\$ 20.60	\$ 61.80
Engineer II	\$ 24.52	\$ 25.26	\$ 75.77
Sr. Engineering Tech	\$ 25.21	\$ 25.97	\$ 77.90
Sr. CAD Designer	\$ 21.75	\$ 22.40	\$ 67.21
CADD Designer	\$ 20.00	\$ 20.60	\$ 61.80
Construction Manager	\$ 30.00	\$ 30.90	\$ 92.70
Sr. Inspector	\$ 22.00	\$ 22.66	\$ 67.98
Office Support	\$ 18.68	\$ 19.24	\$ 57.72

* US Bureau of Labor Statistics, Private Industry Wages & Salaries, March 2021 12-month index,
not seasonally adjusted = 3.0%



Economic News Release

ECT PRINT

Employment Cost Index Summary

Transmission of material in this release is embargoed until
8:30 a.m. (ET) Friday, April 30, 2021

USDL-21-0726

Technical information: (202) 691-6199 * ncsinfo@bls.gov * www.bls.gov/ect
Media contact: (202) 691-5902 * pressoffice@bls.gov

EMPLOYMENT COST INDEX - March 2021

Compensation costs for civilian workers increased 0.9 percent, seasonally adjusted, for the 3-month period ending in March 2021, the U.S. Bureau of Labor Statistics reported today. Wages and salaries increased 1.0 percent and benefit costs increased 0.6 percent from December 2020. (See tables A, 1, 2, and 3.)

Compensation costs for civilian workers increased 2.6 percent for the 12-month period ending in March 2021 and increased 2.8 percent in March 2020. Wages and salaries increased 2.7 percent over the year and increased 3.1 percent for the 12-month period ending in March 2020. Benefit costs increased 2.5 percent over the year and increased 2.1 percent for the 12-month period ending in March 2020. (See tables A, 4, 8, and 12.)

Compensation costs for private industry workers increased 2.8 percent over the year. In March 2020, the increase was 2.8 percent. Wages and salaries increased 3.0 percent for the 12-month period ending in March 2021 and increased 3.3 percent in March 2020. The cost of benefits increased 2.5 percent for the 12-month period ending in March 2021 and increased 1.6 percent in March 2020. (See tables A, 5, 9, and 12.)

Employer costs for health benefits increased 2.1 percent for the 12-month period ending in March 2021. (For further information, see www.bls.gov/ncs/ect/data.htm.)

Among private industry occupational groups, compensation cost increases for the 12-month period ending in March 2021 ranged from 2.0 percent for management, professional, and related occupations to 3.9 percent for both sales and office, and service occupations. Within industry supersectors, compensation cost increases ranged from 2.1 percent for professional and business services to 5.3 percent for financial activities. (See table 5.)

Compensation costs for state and local government workers increased 2.0 percent for the 12-month period ending in March 2021, compared with an increase of 2.8 percent in March 2020. Wages and salaries increased 1.6 percent for the 12-month period ending in March 2021 and 2.7 percent a year ago. Benefit costs increased 2.6 percent for the 12-month period ending in March 2021. The prior year increase was 3.3 percent. (See tables A, 7, 11, and 12.)

Coronavirus (COVID-19) Pandemic Impact on the March 2021 Employment Cost Index
Response rates for March were comparable with prior releases and no changes in estimation procedures were necessary. Additional information is available at www.bls.gov/bls/effects-of-covid-19-on-workplace-injuries-and-illnesses-compensation-and-occupational-requirements.htm#ECI.

Table A. Major series of the Employment Cost Index

[Percent change]

Category	3-month, seasonally adjusted		12-month, not seasonally adjusted				
	Dec. 2020	Mar. 2021	Mar. 2020	Jun. 2020	Sep. 2020	Dec. 2020	Mar. 2021
Civilian workers⁽¹⁾							
Compensation ⁽²⁾	0.7	0.9	2.8	2.7	2.4	2.5	2.6
Wages and salaries	0.8	1.0	3.1	2.9	2.5	2.6	2.7
Benefits	0.6	0.6	2.1	2.2	2.3	2.3	2.5
Private industry							
Compensation ⁽²⁾	0.8	1.0	2.8	2.7	2.4	2.6	2.8
Wages and salaries	0.8	1.1	3.3	2.9	2.7	2.8	3.0
Benefits	0.6	0.6	1.6	2.0	2.0	2.1	2.5
State and local government							
Compensation ⁽²⁾	0.6	0.4	2.8	2.7	2.3	2.3	2.0
Wages and salaries	0.4	0.4	2.7	2.6	1.8	1.8	1.6
Benefits	0.7	0.4	3.3	3.1	3.2	3.1	2.6

Footnotes

(1) Includes private industry and state and local government.

(2) Includes wages and salaries and benefits.

[Employment Cost Index Technical Note](#)

[Table 1. Seasonally adjusted: Employment Cost Index for total compensation, by ownership, occupational group, and industry](#)

[Table 2. Seasonally adjusted: Employment Cost Index for wages and salaries, by ownership, occupational group, and industry](#)

[Table 3. Seasonally adjusted: Employment Cost Index for benefits, by ownership, occupational group, and industry](#)

[Table 4. Compensation \(not seasonally adjusted\): Employment Cost Index for total compensation, for civilian workers, by occupational group and industry](#)

CITY ATTORNEY OFFICE - LEGAL REVIEW CHECKLIST

Name of Agreement: Amendment No. 2 to Agreement for Professional Services with Baxter & Woodman

Department: Public Works

Contact person: Ilyse Triestman

City Manager approval ☐

City Commission approval ☒

Reviewed by Purchasing ☒

Agenda item #:

Agenda meeting date: 7/6/21

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)	From execution until August 30, 2022
Termination Clause	Article 5(a); without or without cause
Renewal Clause	N/A
Insurance	City standard
Indemnification	City standard
Assignment	N/A
Fiscal Funding Requirement	Article 5(b)
FL. Public Records Provision (2016)	Paragraph 22 of RFQ Terms
Inspector General Provision	Paragraph 25 of RFQ Terms
Governing Law	Florida
Venue	Palm Beach County
Attorney's fees	Article 7
E-verify	Paragraph 4 of Amendment No. 2

Business Principles:

Comments

Fees: Total Value	N/A
Fees: Per Fiscal Year	N/A

Other Issues:

Comments

Non-Negotiable Issues/ Miscellaneous Issues/ Special Considerations	Amendment No. 2 recognizes name change and adopts new hourly salary rates.
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Consistent with applicable policies including, but not limited to, Procurement policies. Yes ☒

Attorney: William Bennett, Esq.

Reviewed and approved as to form and legal sufficiency only