

**FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE
CITY OF DELRAY BEACH AND THE CITY OF BOYNTON BEACH
(ENGINEERING DESIGN OF SE 36TH AVE)**

THIS FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT ("First Amendment") is made and entered into February 25th, 2021, by and between the City of Boynton Beach, a Florida municipal corporation (hereinafter "Boynton Beach"), and the City of Delray Beach, a Florida municipal corporation (hereinafter "Delray Beach") collectively (the "Parties") or individually (a "Party").

WITNESSETH:

WHEREAS, Boynton Beach and Delray Beach previously entered into an Interlocal Agreement, dated May 19, 2020, to provide for the shared expenses of the engineering design of SE 36th Ave. ("Original Agreement"); and

WHEREAS, the parties wish to amend the Original Agreement to permit Boynton Beach to use a consultant from its contract rotation; and

WHEREAS, in accordance with Section 8 of the Original Agreement, the Original Agreement may be modified through the written consent of both parties; and

NOW THEREFORE, in consideration of the mutual promises, covenants, provisions, and undertakings hereinafter contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Recitals. The parties agree that the recitals set forth above are true and correct and are fully incorporated herein by reference.

2. Amendment. The parties agree that Section 2 of the Original Agreement entitled "Cost Sharing and Procurement of the Project" is hereby amended to provide that Boynton Beach will utilize a consultant from its contract rotation, and a request for proposal will not be issued. Once the consultant is assigned, Boynton Beach will negotiate with the consultant on behalf of Delray Beach, and Delray Beach shall assist in defining the scope of work for the Project and shall participate in the pre-bid meeting with the consultant.

3. Entire Agreement. The parties agree that this First Amendment and the Original Agreement set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in the Original Agreement including

this First Amendment may be added to, modified, superseded, or otherwise altered, except by written instrument executed by both of the parties hereto.

4. Legal Effect. This First Amendment shall not become binding and effective until approved by the Commission of both Boynton Beach and Delray Beach.

5. Counterparts. This First Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and will become effective and binding upon the parties as of the effective date at such time as all the signatories hereto have signed a counterpart of this First Amendment.

6. Existing Provisions. Except for the provisions of the Original Agreement specifically modified by this First Amendment, all other terms and conditions of the Original Agreement shall remain in full force and effect.

7. All capitalized terms used but not defined herein shall have the meaning assigned in the Original Agreement.

[THIS SECTION IS LEFT INTENTIONALLY BLANK; SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this First Amendment on the date first written above.

**CITY OF DELRAY BEACH, a Florida
municipal corporation**

By: [Signature]
Shelly Petrolia, Mayor

ATTEST:

By: [Signature]
Name: Kate Johnson, City Clerk

APPROVED TO FORM:

[Signature]
City Attorney

**CITY OF BOYNTON BEACH, a Florida
municipal corporation**

By: [Signature]
Steven B. Grant, Mayor

ATTEST

By: [Signature]
Name: Tammy L. Stanzione

APPROVED TO FORM:

[Signature]
City Attorney





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Section 1. Each Whereas clause set forth above is true and correct and incorporated herein by this reference.

Section 2. The City Commission of the City of Boynton Beach, Florida does hereby approve and authorize the Mayor to sign the First Amendment to the Interlocal Agreement between the City of Boynton Beach and the City of Delray Beach to share the engineering design cost to rehabilitate Gulfstream Boulevard (aka SE 36th Avenue) to allow the City of Boynton Beach to use it's General Consulting Services Contract (RFQ #046-2821-17 TP) to procure the engineering services in lieu of advertising a Request for Qualifications, a copy of the First Amendment to the Interlocal Agreement is attached hereto as Exhibit "A".

Section 3. That this Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED this 16th day of February, 2021.

CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Steven B. Grant

☒ ☐

Vice Mayor – Ty Penserga

✓

Commissioner – Justin Katz

✓

Commissioner – Woodrow L. Hay

✓

Commissioner – Christina L. Romelus

✓

VOTE

5.0

ATTEST:

Tammy Stanzione
Tammy Stanzione
Deputy City Clerk

(Corporate Seal)

