



## Cover Memorandum/Staff Report

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**File #:** 20-1022

**Agenda Date:** 1/5/2021

**Item #:** 6.E.

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**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Public Works Director  
**THROUGH:** Jennifer Alvarez, City Manager  
**DATE:** January 5, 2021

APPROVAL OF AMENDMENT NO. 1 TO BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENT PROJECT IN THE AMOUNT OF \$487,912 (PROJECT NO. 16-095).

**Recommended Action:**

Motion to Approve Amendment No. 1 to the Agreement with Baxter & Woodman, Inc. for Construction, Engineering, and Inspection Services (CEI) for the Osceola Park Project, in the amount of \$487,912, for a total contract amount not to exceed \$983,865.

**Background:**

On March 3, 2020, City Commission approved Resolution No. 40-20 to Baxter & Woodman, Inc. (BWI) for Professional Construction, Engineering and Inspection Services (CEI) for the construction of the Osceola Park Neighborhood Improvement Project (Phase I) in the amount of \$495,953.

The original solicitation RFQ No. 2019-051 provided that if determined to be in the City's best interest and, based upon BWI's performance in Phase I, the City may renew the Agreement for an additional one (1) year for Phase II services. The City has determined that it is in its best interests to amend the Agreement to include Phase II services that will provide improvements to the infrastructure and safety of the neighborhood, including water, sewer, reclaimed water, drainage, sidewalks and street lighting. The general project limits are from SE 4th Street to SE 10th Street and from Swinton Avenue to Federal Highway.

This motion is in accordance with the City Code of Ordinances, Section 36 and City Policies and Procedures, Change Orders and Amendments.

**Attachments:**

Legal Review Checklist  
Amendment No. 1 + Exhibits A & B  
March 3, 2020 Agenda Cover Memo  
Advertised RFQ No. 2019-051

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source:**

Funding is available from 334-41-340-541.63-20 (Capital Outlay Osceola Pk. / Other Landscp.

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**Timing of Request:**

Approval of this amendment is time sensitive.



CITY OF DELRAY BEACH  
100 NW 1<sup>st</sup> AVENUE, DELRAY BEACH, FL 33444

AMENDMENT NO. 1 TO  
RFQ 2019-051 CONSTRUCTION ENGINEERING AND INSPECTION  
SERVICES FOR THE OSCEOLA PARK NEIGHBORHOOD  
IMPROVEMENT PROJECT

BAXTER & WOODMAN, INC.

CITY OF DELRAY BEACH  
AMENDMENT NO. 1 TO  
CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE OSCEOLA PARK  
NEIGHBORHOOD IMPROVEMENT PROJECT

THIS AMENDMENT NO. 1 to Consulting Agreement for Construction Engineering and Inspection Services for the Osceola Park Neighborhood Improvement Project dated March 3, 2020 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 "Contractor") an Illinois corporation, authorized to do business in the State of Florida, is entered into this 5<sup>th</sup> day of January 2020.

WITNESSETH:

**WHEREAS**, on March 3, 2020, the City entered into an agreement with Baxter & Woodman, Inc for general consulting services for Construction Engineering and Inspection Services for the Osceola Park Neighborhood Improvement Project (hereinafter referred to as the "Agreement"); and

**WHEREAS**, the City desires to amend the Agreement to add additional construction, engineering and inspection services and additional time for performance for Phase II of the Neighborhood Improvement Project in the estimated not to exceed amount of \$487,912, for a total estimated agreement amount of \$983,865 as stated in Composite Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, the parties seek to amend the Agreement to include Composite Exhibit "A", and

**WHEREAS**, Contractor agrees to provide the additional construction, engineering and inspection services in accordance with the terms and conditions of the Agreement.

**NOW, THEREFORE**, the parties do agree that the Agreement is amended as follows:

1. The above recitals are true and correct and are incorporated herein.
2. The Agreement is hereby amended to include the attached Composite Exhibit "A" as a new Exhibit "C" to the Agreement, which represents the Scope of Work and Compensation for the additional work to be completed in Phase II.
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 and this Amendment No. 1 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.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the City and Contractor 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 Petrolia  
Shelly Petrolia, Mayor

Approved as to form for legal sufficiency:

Lynn Gelin  
Lynn Gelin, City Attorney

CONTRACTOR  
BAXTER + WOODMAN, INC.

By: Arnon Cutler

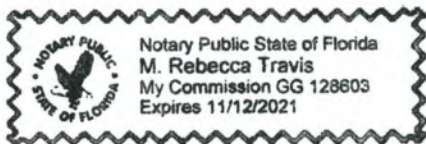
Printed Name Arnon Cutler  
Title Vice President



STATE OF Florida  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 1<sup>st</sup> day of December, 2020, by Arnon Cutler (name of person), as 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 \_\_\_\_\_



M. Rebecca Travis  
Notary Public – State of Florida