

**FIRST AMENDMENT TO THE AGREEMENT  
BETWEEN THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY  
AND WAYPOINT CONTRACTING, INC.**

**THIS FIRST AMENDMENT TO THE AGREEMENT** ("First Amendment") is made and entered into as of the 22 day of Feb., 2022, by and between the **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, a Florida public body corporate and politic created pursuant to Section 163.356, Florida Statutes, (hereinafter referred to as the "CRA"), and **WAYPOINT CONTRACTING, INC.** (hereinafter referred to as "CONTRACTOR").

**WITNESSETH:**

**WHEREAS**, the CRA and the CONTRACTOR previously entered into an Agreement for the 98 NW 5<sup>th</sup> Avenue Renovation Project (the "Project") dated October 20, 2021, (the "Agreement"); and

**WHEREAS**, at the January 25, 2022 CRA Regular Board Meeting, the CRA Board of Commissioners considered and approved the CONTRACTOR'S Change Order Request Form received by the CRA on January 5, 2022, attached hereto as **EXHIBIT "A"** with supporting backup documentation, to increase Contract Price in the Agreement in the amount of **Two Hundred Twenty Five Thousand Five Hundred Eighty Two Dollars and 60/100 Dollars (\$225,582.60)** for a total Contract Price of **Two Million One Hundred Fifty Thousand Five Hundred Eighty Two and 60/100 Dollars (\$2,150,582.60)**;

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

1. That the recitals set forth above are true and correct and are incorporated herein by reference.

2. The Contract Price in the Agreement is increased in the amount of **Two Hundred Twenty Five Thousand Five Hundred Eighty Two Dollars and 60/100 Dollars (\$225,582.60)** and shall be consistent with **EXHIBIT "A"** and the attached supporting backup documentation.

3. Article 3 CONTRACT SUM in the Agreement is amended as follows:

**Article 3. CONTRACT SUM.**

The CRA shall pay, and the Contractor shall accept, as full and complete payment for the Contractor's timely performance of its obligations, labor, materials, equipment, or any costs associated with Contractor's full performance of this Construction Contract hereunder, ~~the guaranteed maximum price of One Million Nine Hundred Twenty Five and 00/100 Dollars (\$1,925,000.00),~~ **Two Million One Hundred Fifty Thousand Five Hundred Eighty Two and 60/100 Dollars (\$2,150,582.60)**, which shall constitute the Contract Price. The Contract Price shall be fixed and firm during the performance of this Construction Contract, including the costs of labor, materials, equipment, and any costs associated with Contractor's full performance regardless of any and all price increases, except for any change orders or variations, which must meet the prior approval and authorization of the CRA.

4. That except as amended herein, the CRA and CONTRACTOR ratify, approve and reaffirm the terms of the Agreement and shall remain in full force and effect, except as amended herein.

5. In the event of any conflict or ambiguity by and between the terms and provisions of the Agreement and this First Amendment, the terms and provisions of this First Amendment shall control to the extent of any such conflict or ambiguity. In any other respects, the Agreement remains unchanged.

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IN WITNESS OF THE FOREGOING, the parties have executed this First Amendment to the Agreement on the date first written above.

DELRAY BEACH COMMUNITY  
REDEVELOPMENT AGENCY

BY: Shirley E. Johnson  
Shirley E. Johnson, Chair

ATTEST:  
By: Renée A. Jadusingh  
Renée A. Jadusingh, Esq.  
Executive Director

APPROVED AS TO FORM:  
[Signature]  
CRA Legal Advisor

ATTEST: **WAYPOINT CONTRACTING, INC.,**  
a Florida corporation  
By: [Signature]  
Print Name: Felix Santiago Title: President

STATE OF FLORIDA )  
 )ss:  
COUNTY OF PALM BEACH )

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1 day of February, 2022, by Katrina Fischholz, as President (name of officer or agent, title of officer or agent), of Waypoint Contracting, Inc., a Florida corporation, on behalf of the limited liability company. He/She is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification

[Signature]  
Signature  
Rosa Ripoll  
Name and Title  
CG 187848  
Commission Number

