



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

**AMENDMENT NO. 1 TO
INVITATION TO BID CONSTRUCTION (ITBC) 2020-040
AGREEMENT FOR LOWSON BOULEVARD FROM DOVER ROAD TO US-1/FEDERAL
HIGHWAY (RE-BID)**

E&M EQUIPMENT CORPORATION

CITY OF DELRAY BEACH
AMENDMENT NO. 1 TO ITBC 2020-040
AGREEMENT FOR LOWSON BOULEVARD FROM DOVER ROAD TO US-1/FEDERAL
HIGHWAY (RE-BID)

THIS AMENDMENT NO. 1 to the Agreement for Lowson Boulevard from Dover Road to US-1/Federal Highway (Re-Bid) dated November 16, 2021, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as “City”), whose address is 100 NW 1st Avenue, Delray Beach, FL 33444, and **E&M Equipment Corp** (hereinafter referred to as “Consultant”), a Florida corporation, whose address is 3450 W. 84th Street, Suite 202A, Hialeah, FL 33018, is entered into this ____ day of _____, 20__.

WITNESSETH:

WHEREAS, on November 16, 2021, the City entered into an agreement with Consultant for construction services for Lowson Boulevard from Dover Road to US-1/Federal Highway (hereinafter referred to as the “Agreement”); and

WHEREAS, City construction agreements generally provide a line items allotting funding to “contingency”, which provides for any future material cost increases and unforeseen site conditions that may arise during the construction of the project; and

WHEREAS, in the Agreement that was approved on November 16, 2021, a contingency line item was inadvertently left off of the Price Schedule; and

WHEREAS, the City desires to amend the Agreement to add the missing contingency line item in the Price Schedule, and thereby increase the contract value from \$6,146,437.00 to \$6,357,339.00, an increase of \$210,902.00 to provide for any future material cost increases and unforeseen site conditions that may arise during the construction of this project; and

WHEREAS, Consultant agrees to continue to provide services to City 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 add the missing contingency line item in the Amended Price Schedule attached hereto as Exhibit “A”.
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.

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

CITY OF DELRAY BEACH

ATTEST:

Katerri Johnson, City Clerk

By: _____
Shelly Petrolia, Mayor

Approved as to form for legal sufficiency:

Lynn Gelin, City Attorney

E&M EQUIPMENT CORPORATION

By: _____

Printed Name

Title

(SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__, by _____ (name of person), as _____ (type of authority) for _____ (name of party on behalf of whom instrument was executed).

Personally known ____ OR Produced Identification ____
Type of Identification Produced _____

Notary Public – State of _____