



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

**AMENDMENT NO. 1 TO
SOLICITATION NO. 2019-033
LIME SLUDGE REMOVAL AND DISPOSAL**

DEV-LAND DEMOLITION & SITE, INC.

CITY OF DELRAY BEACH
AMENDMENT NO. 1 TO
PURCHASE OF ROAD CONSTRUCTION MATERIALS

THIS AMENDMENT NO. 1 to Lime Sludge Removal and Disposal dated October 15, 2019, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as "City"), and Dev-Land Demolition & Site, Inc. (hereinafter referred to as "Contractor" a Florida corporation authorized to do business in the State of Florida, is entered into this 16th day of August 2023

WITNESSETH:

WHEREAS, on October 15, 2019, the City entered into a three (3) year agreement with Contractor with the option to renew for two (2) additional one-year terms for the Lime Sludge Removal and Disposal (hereinafter referred to as the "Agreement"); and

WHEREAS, City desires to exercise the first renewal, extending the Agreement through October 14, 2023; and

WHEREAS, pursuant to Section 1.8 of Invitation to Bid No. 2019-033, Contractor may request an adjustment to prices; and

WHEREAS, Contractor requested an adjustment in prices pursuant to the Agreement; and

WHEREAS, City desires to approve the First Amendment to the Agreement approving a price adjustment and contract increase effective October 15, 2022; and

WHEREAS, Contractor agrees to continue to provide services to City in accordance with the terms and conditions of the Agreement.

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. This Amendment No. 1 renews the Agreement, extending the term through October 14, 2023.
3. The Pricing Schedule attached to the Agreement is deleted and replaced with Exhibit "A", Pricing Schedule, attached hereto.
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 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 Contractor 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: Terrence Moore
Terrence Moore, ICMA-CM

Approved as to form and legal sufficiency:

Lynn Gelin
Lynn Gelin, City Attorney

CONTRACTOR

By: Carl Deauvaux
Print Name: CARL DEAUVAUX
Title: president

(SEAL)

STATE OF FLORIDA

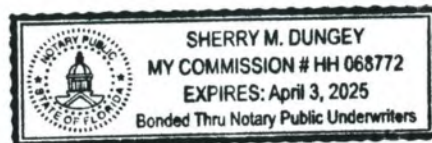
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 9 day of August, 2022 by Carl Deauvaux (name of person), as President (type of authority) for Dev-Land Beach (name of party on behalf of whom instrument was executed).

Personally known ___ OR Produced Identification

Type of Identification Produced FL DL

Sherry M. Dungey
Notary Public - State of Florida



**EXHIBIT A
 SOLICITATION NO. 2019-033
 FEE SCHEDULE**

| Description | Estimated Annual Quantity | Price Per Cubic Yard |
|--|---|----------------------|
| Hauling and disposal of lime sludge from City of Delray Water Treatment Plant, 200 S.W. 6 th Street, Delray Beach, Florida 33444 to an approved disposal site. All equipment, labor and resources necessary in loading, hauling, and disposal. | Provide cubic yards 33,000 Cubic Yards | \$ <u>17.50</u> |



AUTHORIZATION FORM

Do not write / CM Office Only

CMO Log #: _____

Rcv'd Date: _____

Originator:

Name: Katerri Johnson Department: City Clerk's Office Ext. 7051 Date: 8/17/2022

Description of Request: Requesting City Manager's signature

Department Leave Form Check Request Form Acquisition Approval

Budget Transfer Grant Item Memorandum Service Authorization Approval

Other (Please Specify) Amendment No. 1 to City of Delray Beach agreement with Dev-Land

Please return this document to the City Clerk's office once the City Manager's signature has been provided.

Department Head Signature: _____

Finance Signature (If Required): _____

Assigned to: A. Love On _____

Review Completed by Staff – Comments:

- RETURN TO ORIGINATOR FOR ADDITIONAL COMMENTS
- APPROVED FOR: TERRENCE R. MOORE, ICMA-CM - SIGNATURE
- APPROVED FOR:

TRACKING:

Returned to _____ Department for additional information on: _____

Forwarded to _____ Department for action on: _____



Cover Memorandum/Staff Report

File #: 22-948

Agenda Date: 8/16/2022

Item #: 6.E.

TO: Mayor and Commissioners
FROM: Hassan Hadjimiry, Utilities Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: August 16, 2022

APPROVAL OF AMENDMENT NO. 1 AUTHORIZING A PRICE ADJUSTMENT AND APPROVAL OF RENEWAL AND INCREASING THE CONTRACT VALUE WITH DEV-LAND DEMOLITION & SITE, INC. FOR LIME SLUDGE REMOVAL AND DISPOSAL IN THE TOTAL ESTIMATED RENEWAL VALUE OF \$544,200 THROUGH OCTOBER 14, 2024 (\$272,250 PER YEAR).

Recommended Action:

Motion to approve Amendment No. 1 to authorize a price adjustment, and approval of renewal and increase the contract value with Dev-Land Demolition & Site, Inc. for Lime Sludge removal and disposal in the total estimated renewal value of \$544,200 (\$272,250 per year) through October 14, 2024.

Background:

On October 15, 2019, City Commission through Resolution No. 129-19 approved an Agreement with Dev-Land Demolition & Site, Inc., for Lime Sludge Removal and Disposal; pursuant to Invitation to Bid Solicitation No. 2019-033.

The City wishes to exercise its first option to amend, increase contract value and renew Solicitation No. 2019-033 through October 14, 2024. This First Amendment will increase the price of the removal and disposal of lime sludge from \$9.25 to \$17.50 per cubic yard.

This Agreement is for the hauling and disposal of the lime sludge reactor unit located at the City's water treatment plant at 434 South Swinton Avenue to sites approved by the Florida Department of Environmental Protection, in accordance with applicable federal, state, and local regulations.

| | | |
|---|-------------------------------------|-----------|
| Estimated Contract Value \$1,526,250 | | |
| Initial | October 15, 2019 - October 14, 2022 | \$915,750 |
| Renewal Term 1 | October 15, 2022 - October 14, 2023 | \$305,250 |
| Renewal Term 2 | October 15, 2023 - October 14, 2024 | \$305,250 |
| Increase request thru this action | \$544,500 | |

AUTHORIZATION FORM



Do not write / CM Office Only
CMO Log #: _____
Rcv'd Date: _____

Originator:
Name Yolaina Ruiz Department Finance/Purchasing Ext. 7153 Date 8/9/22

Description of Request: Amendment 1 ITB 2019-033 Dev-Land Demolition & Site, Inc.

Department Leave Form Check Request Form Acquisition Approval
Budget Transfer Grant Item Memorandum Service Authorization Approval
 Other (Please Specify) Amendment 1 ITB 2019-033 Dev-Land Demolition & Site, Inc.

Department Head Signature: _____
Finance Signature:(if request impacts budget) _____

Review Completed by Staff – Comments:

- RETURN TO ORIGINATOR FOR ADDITIONAL COMMENTS
- APPROVED FOR TERRENCE R. MOORE, ICMA-CM SIGNATURE
- APPROVED FOR JEFFREY ORIS, ACM SIGNATURE

TRACKING:

Returned to _____ Department for additional information on: _____

Forwarded to _____ Department for action on: _____

CITY ATTORNEY OFFICE - LEGAL REVIEW CHECKLIST

Name of Agreement: Amendment to Dev-Land Demolition Agreement pursuant to ITB

Department: Utilities

Contact person: Yolaina Ruiz

City Manager approval

City Commission approval

Reviewed by Purchasing

Agenda item #:

Agenda meeting date:

Resolution #: 129-19

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) | Agreement--Article 5 (3 years) |
| Termination Clause | ITB p. 28 for convenience |
| Renewal Clause | Upon written agreement, may renew for up to 2 |
| Insurance | City standard |
| Indemnification | City standard |
| Assignment | ITB p. 22 |
| Fiscal Funding Requirement | ITB p. 67 |
| FL. Public Records Provision (2016) | ITB p. 50 |
| Inspector General Provision | ITB p. 32 |
| Governing Law | Florida |
| Venue | Palm Beach County |
| Attorney's fees | ITB p. 42 |
| E-verify | n/a |

Business Principles:

Comments

| | |
|-----------------------|-------------|
| Fees: Total Value | \$2,070,750 |
| Fees: Per Fiscal Year | |

Other Issues:

Comments

| | |
|---|--|
| Non-Negotiable Issues/ Miscellaneous Issues/ Special Considerations | Funding needs to go to Commission. Estimated Contract Value \$1,526,250 Initial October 15, 2019 – October 14, 2022 \$915,750 Renewal Term 1 October 15, 2022 – October 14, 2023 \$305,250 |
|---|--|

Consistent with applicable policies including, but not limited to, Procurement policies. Yes

Attorney: Kelly Brandon, Esq.

Reviewed and approved as to form and legal sufficiency only