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

AMENDMENT NO. 3 TO THE AGREEMENT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR TROPIC ISLES ROADWAY UNDERGROUND UTILITY IMPROVEMENTS, PHASE II

RFQ NO. 2019-040

KIMLEY-HORN AND ASSOCIATES, INC.

CITY OF DELRAY BEACH
AMENDMENT NO. 3 TO THE
AGREEMENT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR TROPIC ISLES ROADWAY UNDERGROUND UTILITY IMPROVEMENTS, PHASE II

THIS AMENDMENT NO. 3 to the Agreement for Professional Engineering Design Services for Tropic Isles Roadway Underground Utility Improvements Phase II, dated June 14, 2022, 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 Kimley-Horn and Associates, Inc., (hereinafter referred to as "Contractor"), a North Carolina corporation authorized to do business in the State of Florida, whose address is 421 Fayetteville Street, Suite 600, Raleigh, North Carolina 27601, is entered into this 7th day of April, 2026

WITNESSETH:

**WHEREAS,** on June 14, 2022, the City entered into an agreement with Contractor for professional engineering design services for Phase II of the Tropic Isles Roadway Underground Utility Improvements Project pursuant to RFQ No. 2019-040 (hereinafter referred to as the "Agreement"); and

**WHEREAS**, on November 14, 2023, the City and Contractor executed Amendment No. 1 to the Agreement to expand its scope of services to include additional tasks related to drainage easements and existing drainage outfall pipes; and

**WHEREAS,** on December 10th, 2024, the City and Contractor executed Amendment No. 2 to the Agreement to expand the scope of services to include sidewalk design services for sidewalks along Florida Boulevard and Spanish Trail within Tropic Isle; and

**WHEREAS,** the City and Contractor desire to amend the Agreement to add additional professional engineering design services to address the replacement and abandonment of the watermains along Florida Boulevard, which were constructed of asbestos cement or galvanized materials, and expanding the watermain at Dogwood Drive; and

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

**NOW, THEREFORE**, for and in consideration of the mutual promises contained herein, 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. 3 adds professional engineering design services to address the replacement and abandonment of the watermains along Florida Boulevard, which were constructed of asbestos cement or galvanized materials, and expanding the watermain at Dogwood Drive as further defined in Attachment "A", which is incorporated herein.

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, Amendment No. 1, Amendment No. 2 and this Amendment No. 3 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 Consultant hereto have executed this Amendment as of the day and year first above written.

**CITY OF DELRAY BEACH**

ATTEST:

Alexis Givings, City Clerk

BY: _____
Thomas F. Carney, Jr., Mayor

Approved as to form for legal sufficiency:

For:
Lynn Gelin, City Attorney

**KIMLEY-HORN AND ASSOCIATES, INC.**

By: _____

ERIC REGUEIRO, PE.
Printed Name

VICE PRESIDENT
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 16th day of March, 2026 by Eric Reguero (name of person), as VP (type of authority) for Kimley Horn and Assoc (name of party on behalf of whom instrument was executed).

Personally known X OR Produced Identification ___
Type of Identification Produced _____

Notary Public – State of Florida

TAMATHA D CULPEPPER
Notary Public - State of Florida
Commission # HH 649121
My Comm. Expires Jul 4, 2029
Bonded through National Notary Assn.

**EXHIBIT A**

**SCOPE OF SERVICES**

**AMENDMENT 3 TO PHASE 2 – ADDITIONAL SERVICES FOR WATER DESIGN**

**TROPIC ISLE NEIGHBORHOOD IMPROVEMENTS**

January 12th, 2026

Kimley-Horn and Associates, inc. ("Kimley-Horn" or "Consultant") is pleased to submit this amendment to the scope of services to City of Delray Beach ("Client" or "City") for providing engineering services for the Tropic Isle Neighborhood Improvements Project Stage 1, Stage 2 and Stage 3.

The parties now desire to amend the agreement to include services to be performed by consultants for compensation as set forth below in accordance with the terms of the agreement, which are incorporated by reference.

Consultant will provide the services specifically set forth below.

## I. PROJECT DESCRIPTION

The City of Delray has requested Kimley-Horn prepare an amendment addressing the replacement and abandonment of the watermains along Florida Boulevard constructed of asbestos cement (Tran) or galvanized materials and expanding the watermain at Dogwood Drive. This scope is contingent on existing conditions based on GIS data and as-built drawings provided by the City.

## II. SCOPE OF SERVICES

### TASK 301 Water Design

A. Stage 1 & Stage 2 - Tropic Boulevard to Allamanda Drive.

- Cap grout and abandon in place the existing 6-inch Tran pipe at Spanish Trail, and at Tropic Boulevard water valves, west of the Delray 7 Townhouses properties.
- Cap, grout and abandon in place the existing 4-inch Tran pipe extending north at Florida Boulevard gate valve, west of the Delray 7 Townhouses properties.

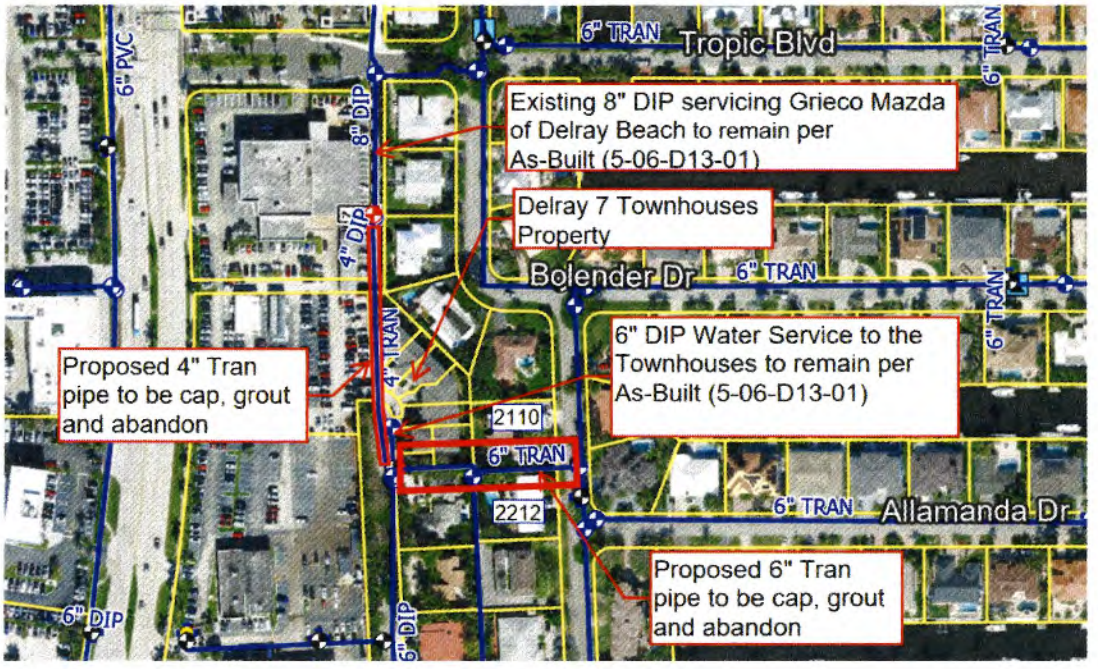


*Figure 1, 6" Tran & 4" Tran Pipe Exhibit*

Assumptions:

- According to the As-Builts supplied by the City of Delray, the existing 4" Tran pipe running north from the Delray 7 Townhouses property to Grieco Mazda of Delray Beach can be capped and grouted without disrupting service to any businesses or residents.
- The existing 6-inch DIP water main connected to the gate valve at Florida Boulevard will remain in service and continue to provide water service to the Delray 7 Townhouses properties.
- The existing 8-inch DIP water main connected to the gate valve at Tropic Boulevard will remain in service and continue serving the Grieco Mazda of Delray Beach.
- KHA will add this utility design to the permitting process with the agencies specified in the original contract.
- If any of these assumptions are not correct, then additional scope and fee will be required.

B. Stage 2 - Ave C, from Florida Boulevard to Spanish Trail & Allamanda Drive to Dogwood Drive

- KHA will propose the new water meter locations at the front of properties on Florida Boulevard and Tropic Boulevard, abandoning the existing meters located at the rear of these properties.
- KHA will design private-side schematic connections from the building to the new water meters and supply standard details.
- Cap, grout and abandon in place the existing 4-inch Tran pipes at Dogwood Drive and Ave C.
- KHA will design the replacement of the 6-inch Tran pipe along Ave C with an 8-inch, PVC C-900 watermain and, connect to Florida Boulevard and Spanish Trail.

*Figure 2, Stage 2 Asbestos Pipe Exhibit*

Assumptions:

- The City of Delray will help KHA locate property water connections at the building and provide estimated rear meter locations based on GIS records.

- KHA will add the change in design to the permitting process with the agencies specified in the original contract.
- If any of these assumptions are not correct, then additional scope and fee will be required.

C. Stage 2 - Dogwood Drive, from Florida Boulevard to the cul-de-sac

- Grout and abandon in place the existing 10-inch, 6-inch and 4-inch Tran water main from Florida Boulevard up to the east cul-de-sac.
- Remove the existing 12-inch CIP water main up to the existing gate valve at the cul-de-sac.
- KHA will extend the already designed 12-inch PVC C-900 water main along Dogwood Drive from Spanish Trail up to Florida Boulevard.
- KHA will adjust the 90% utility design to ensure there is sufficient distance from other utilities and appropriate pipe coverage.

*Figure 3, Stage 2 Asbestos Pipe Exhibit by City of Delray*

Assumptions:

- KHA will add this utility extension to the permitting process with the agencies specified in the original contract.
- If any of these assumptions are not correct, then additional scope and fee will be required.

D. Stage 3 – Iris Drive, and Florida Boulevard, between Iris Drive and Avenue L

- The existing 10-inch CIP located on Iris Drive between Florida Boulevard and Spanish Trail will be replaced with a 10-inch C-900 PVC pipe.
- The 2-inch galvanized line currently servicing residences at 3003, 3005, 3015, 3017, 3021, 3023, 3101-1, 3101-2, 3101-3, 3101-4, 3111, and 3113 will be capped, grouted, and abandoned in place. Water connections for these addresses will be transferred to the 8-inch DIP west of the properties on Florida Boulevard.

*Figure 4, 2"-Gal Pipe Exhibit*

Assumptions:

- KHA will add this utility extension to the permitting process with the agencies specified in the original contract.
- If any of these assumptions are not correct, then additional scope and fee will be required.

E. Subsurface Utility Exploration

Consultant's subconsultant to provide subsurface utility information (soft dig) at anticipated underground utility conflicts for up to 5 test holes. Potential conflict locations will be identified during design. Utility conflict resolution will be addressed in the design tasks of this scope. Kimley-Horn will work with the subconsultant to identify hole locations and exhibits with tables for those identified locations. In addition, this task entails coordination with the subconsultant field crews, management, reviews, and coordination with subconsultant to complete this task.

If any of these assumptions are not correct, then additional scope and fee will be required.

## III. ADDITIONAL SERVICES

Any services not specifically provided on the above scope will be billed as additional services and performed at our then current hourly rates. Additional services we can provide include, but are not limited to the following:

a. Survey
b. Temporary construction easements
c. Coordination with property owners

## IV. COMPENSATION

Kimley-Horn will perform the services in Tasks 301 and subcontract the subsurface utility exploration contractor for the total lump sum fee of $62,101. Fees will be invoiced monthly based upon the overall percentage of services performed including percent of labor direct expense of 4.6%. All permitting, application and similar project fees will be paid from an allowance provided by the City. Any permitting, application and similar project fees that exceed the provided allowance will be paid directly by the Client.

Kimley»Horn

01/12/26 v2

**EXHIBIT B**
**Estimated Effort Proposal - Delray Beach**
**Tropic Isle Improvements Project - Stage 1 , 2 and 3**

| | TASKS | Kimley-Horn Staff | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Principal/ Project Manager | Principal Engineer | Professional | Project Engineer | Analyst I | Senior Design | Support Staff | Total Hours | Labor Cost | Total Cost |
| | Hourly Billing Rate | $285.00 | $215.00 | $195.00 | $169.00 | $135.00 | $150.00 | $87.00 | | | |
| | **Task 301** | | | | | | | | | | |
| | **A. Phase 1 & Phase 2 - Tropic Boulevard to Allamanda Drive** | 1 | 2 | 2 | 6 | 9 | | 1 | 21 | $ 3,421.00 | |
| | **B. Phase 2 - Ave C, from Florida Boulevard to Spanish Trail & Allamanda Drive to Dogwood Drive** | 1 | 4 | 6 | 40 | 40 | | 1 | 92 | $ 14,562.00 | |
| | **C.Phase 2 - Dogwood Drive, from Florida Boulevard to the Cul-d-sac** | 3 | 9 | 9 | 80 | 80 | | 1 | 182 | $ 28,952.00 | |
| | **D. Phase 3 – Iris Drive, and Florida Boulevard, between Iris Drive and Avenue L** | 1 | 4 | 6 | 18 | 27 | | 1 | 57 | $ 9,089.00 | |
| | **E. Subsurface utility exploration (SUE)** | | | | | | | | | | $ 3,500 |
| | **TOTAL HOURS** | 6 | 19 | 23 | 144 | 156 | | 4 | 352 | | |
| | **Subtotals** | $ 1,710 | $ 4,085 | $ 4,485 | $ 24,336 | $ 21,060 | $ - | $ 348 | | $ 56,024 | $ 59,524 |
| | | | | | | | | | | **DIRECT EXPENSES 4.6% OF LABOR** | **$ 2,577** |
| | | | | | | | | | | | |
| | | | | | | | | | | **LUMP SUM TOTAL COST** | **$ 62,101** |

**CITY OF DELRAY BEACH**
**CITY ATTORNEY'S OFFICE**
**200 NW 1ST Avenue, Delray Beach, FL 33444**
**561-243-7090**

# LEGAL REVIEW FORM

This form is to be used solely for the legal review of documents not including procurement agreements. Procurement Agreements are reviewed under a separate cover. This form shall only be completed by a member of the City Attorney's Office.

**Date of Review:** **3.15.26**

**Document Name**: Amendment No. 3 To The Agreement For Professional Engineering Design Services For Tropic Isles Roadway Underground Utility Improvements, Phase II, RFQ No. 2019-040, with Kimley-Horn and Associates, Inc.

**Document Type**: Amendment

**Submitted by: Casetra Thompson**

[X] **This document is approved as to form and legal sufficiency.**

[ ] **This document is approved as to form and legal sufficiency; however, the undersigned made the following change(s):**

[ ] **This document is not approved as to form and legal sufficiency for the following reason(s):**

_____.

(Adds services to address the replacement and abandonment of the watermains along Florida Boulevard, which were constructed of asbestos cement or galvanized materials, and expanding the watermain at Dogwood Drive) (Amendment adds $62,000)

s/Kelly W. Brandon, Esq.
Attorney

**Copy to:**
___ City Attorney's Office (with a copy of the approved document)