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

AMENDMENT NO. 2 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. 2 TO THE
AGREEMENT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR TROPIC ISLES ROADWAY UNDERGROUND UTILITY IMPROVEMENTS, PHASE II

THIS AMENDMENT NO. 2 to the Agreement for Professional Engineering Design Services for Tropic Isles Roadway Underground Utility Improvements, 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 10th day of December, 2024

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. l to the Agreement to expand the scope of services to include additional tasks related to drainage easements and existing drainage outfall pipes; and

WHEREAS, the City and Contractor desire to amend the Agreement to add additional professional engineering design services for the sidewalks along Florida Boulevard and Spanish Trail; 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 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. 2 adds sidewalk design services for sidewalks along Florida Boulevard and Spanish Trail within Tropic Isle as provided in the proposal attached hereto as Exhibit "A" and 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 and this Amendment No. 2 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 executed this contract as of the day and year first above written.

ATTEST:

By: _____
Alexis Givings, Interim City Clerk

CITY OF DELRAY BEACH, FLORIDA

_____
Thomas F. Carney, Jr., Mayor

Approved as to Form and Legal Sufficiency

By: _____
Lynn Gelin, City Attorney

CITY OF DELRAY BEACH SEAL FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

By: _____

Print Name: Jamea Long, P.E.

Title: Vice President

(SEAL)

KIMLEY-HORN AND ASSOCIATES, INC. CORPORATE SEAL NC

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 26 day of November, 2024 by Jamea Long, P.E. (name of person), as Vice President (type of authority) for Kimley-Horn and Associates, Inc. (name of party on behalf of whom instrument was executed).

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

_____
Notary Public – State of Florida

LORI D'AMICO
MY COMMISSION # HH 496159
EXPIRES: March 16, 2028

EXHIBIT A

SCOPE OF SERVICES

AMENDMENT 2 TO PHASE 2 – ADDITIONAL SERVICES FOR SIDEWALK

TROPIC ISLE NEIGHBORHOOD IMPROVEMENTS

June 25, 2024

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 phase 2.

The parties now desire to amend the agreement to include services to be performed by consultant 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 Beach is considering the addition of sidewalks segments as requested by the public at the Tropic Isle Neighborhood Improvement Public meeting held on 12/07/23. Kimley-Horn's current agreement with the City does not include scope for sidewalk design as it was not included in the approved typical sections for Phase 1, Basis of Design Report (BDR) or in the 30% or 60% Design phase packages. Specifically, the segments requested were for Florida Boulevard and Spanish Trail. An exhibit with the requested proposed sidewalk limits is attached as Exhibit A.

II. SCOPE OF SERVICES

Provide the following tasks.

TASK 201 Sidewalk Design

Consultant will prepare approximately 24,000 linear feet of sidewalk design as shown on Exhibit C for Florida Blvd, Iris Drive (from Florida Blvd to Spanish Trail), Dogwood Drive (from Florida Blvd to Spanish Trail), Avenue C (from Florida Blvd to Spanish Trail), Tropic Blvd (west of Spanish Trail), Eve Street (west of Spanish Trail)and Spanish Trail (from Avenue L to Gardenia Drive and from Dogwood Drive to Eve Street)s,

The CONSULTANT will perform the following tasks:

- Review design survey in the office and in the field to confirm that required features are shown on the survey. Perform a walk-through the project and document special issues of concern. Transfer necessary findings to the design plans.
- Where new sidewalk is to be constructed, analyze location of existing hedges, fences, appurtenances, landscape and hardscape to determine potential impact and need for relocation and provide written documentation of conflicts.

- Meet with CITY to discuss field observations and approach to the sidewalk layouts. Discuss challenges or modifications that may be required to the layout.
- Once concurrence on the sidewalk layout is obtained from the City, design plans will be modified to show sidewalk improvements.
- Review existing profiles at right of way lines and compare to adjacent edge of pavement elevations but only in areas receiving new sidewalks. Existing sidewalks not meeting ADA criteria, will be called out to be removed and replaced with ADA compliant sidewalk at the existing location.
- Analyze 78 driveway cross sections for ADA compliance. Reconstruct ADA deficient driveways within existing right of way to accommodate new sidewalk improvements.
- Construct up to four (4) raised cross walks (speed table style) along Florida Blvd per City of Delray Beach Standard Details, see Exhibit A for locations. Connect sidewalks to raised cross walks with curb ramps.
- Review existing drainage conditions within the limits of proposed sidewalk. Modify limits of exfiltration trench along Florida Blvd to mitigate stormwater runoff from the additional impervious areas. Exfiltration trenches to be placed outside the limits of the roadway pavement, in swale areas if feasible.
- Modify typical sections to incorporate sidewalk improvements.
- Modify cross sections to incorporate sidewalk improvements.
- Prepare sidewalk and new exfiltration trench quantities to include in opinion of probable construction cost estimate (OPC).

TASK 202 Geotechnical Investigation

- A subconsultant to Kimley-Horn will provide the following professional geotechnical engineering services for subsurface exploration and testing withing the project limits:
    - Perform Ten (10) Open-Hole Percolation Tests. An auger will be used to drill the holes and sample the material from the boreholes. The sampled material will be classified to determine its characteristics before running the BHP tests. The hole will be advanced by using a truck mounted drill rig and rotary drilling in accordance with ASTM D-5783 to a depth of 10 feet. The groundwater levels at the time of drilling will be recorded along with a visual classification of the soil drilled. One open-hole percolation test will be installed at depth of 10 feet and will be performed in general accordance with SFWMD Usual Open Hole Test. After the completion of the test, the hole will be backfilled with sand and cold patched to match the existing asphalt layer thickness.
    - A geotechnical report signed and sealed by a professional engineer registered in the State of Florida will be provided, which will include the following:
        - A brief project description, a statement of the purpose of the geotechnical evaluation, and an executive summary of findings.
        - A site vicinity map, indicating the location of the project site.
        - The identification of the soils will be in general accordance with the most recent USDA NRCS Soil Survey and with the United Soil Classification System (ASTM D2487).
        - The percolation test results.

III. ASSUMPTIONS

Our scope and fee are based on the following assumptions:

- All traffic calming analysis for the proposed traffic calming improvements have been conducted and approved by the CITY.
- All sidewalk improvements will be constructed within existing CITY owned right-of-way.
- No traffic calming improvements will be constructed along Spanish Trail.
- Due to the location of existing above ground and below ground utilities along the proposed improvement areas, utility coordination and relocation is anticipated. Construction plans for relocation of any utilities will be formed by the UAO's and is not included in this scope.

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

IV. ADDITIONAL SERVICES

Any services not specifically provided for in 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. Traffic Analysis and Studies
b. Traffic signal design and plans
c. Any requests to revise agreed upon easement dimensions
d. Temporary construction easements
e. Coordination with property owners for access
f. Major horizontal geometric layout change request from the CITY after acceptance of design in 90% Phase design.

V. COMPENSATION

Kimley-Horn will perform the services in Tasks 201 - 202 for the total lump sum fee shown in the attached fee sheet, exhibit B. 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

EXHIBIT B
Estimated Effort Proposal - Delray Beach
Tropic Isle Improvements Project - Phase II

Tropic Isle Neighborhood Improvement Project
Amendment 2
6/25/2024

TASKS	Principal/ Project Manager	Principal Engineer	Professional	Project Engineer	Analyst I	Senior Design	Support Staff	Total Hours	Labor Cost	Subconsultant	Total Cost
Hourly Billing Rate	$285.00	$215.00	$195.00	$169.00	$135.00	$150.00	$87.00				
TASK 201											
Preliminary Analysis		2		40				42	$ 7,190.00		$ 7,190
Sidewalk Design		2		18	40			60	$ 8,872.00		$ 8,872
Driveway Design				40	130			170	$ 24,310.00		$ 24,310
Back of Sidewalk Profiles		8		54				62	$ 10,846.00		$ 10,846
Curb Ramp Analysis/Raised Crosswalks		4		20				24	$ 4,240.00		$ 4,240
Update Cross Sections		2		90				92	$ 15,640.00		$ 15,640
Field Walks				6	12			18	$ 2,634.00		$ 2,634
QC		12						12	$ 2,580.00		$ 2,580
Exfiltration Trench Design		4		45				49	$ 8,465.00		$ 8,465
TASK 202									$ -		
Geotechnical BHP Tests				4				4	$ 676.00	$ 10,100.00	$ 10,776
									Subtotal		$ 95,553
									DIRECT EXPENSES 4.6% OF LABOR		$ 3,900
									TOTAL PROJECT BUDGET		**$ 99,453**

TROPIC ISLE
FLORIDA BLVD AND SPANISH TRL
SIDEWALK EXHIBIT C

LEGEND
EXISTING SIDEWALK
PROPOSED SIDEWALK
PROPOSED SIDEWALK (WITH CHALLENGES)

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: **11.5.24**

Document Name: Amendment No. 2 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):**

_____.

s/Kelly W. Brandon, Esq.
Attorney

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

Note: Amendment adds $99,453.00, Total Value: $3,318,014.00