



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

**AMENDMENT NO. 1 TO
AGREEMENT NO. 2017-048 (918-42, 918-89, 906-56)**

MARLIN ENGINEERING, INC.

CITY OF DELRAY BEACH
AMENDMENT NO. 1 TO
AGREEMENT NO. 2017-048 (918-42, 918-89, 906-56)

THIS AMENDMENT NO. 1 to Agreement No. 2017-048 (918-42, 918-89, 906-56) dated August 31, 2017, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as "City"), and Marlin Engineering, Inc. (hereinafter referred to as "Consultant"), a Florida corporation, is entered into this ____ day of _____, 20__.

WITNESSETH:

WHEREAS, on August 31, 2017, the City entered into a three-year agreement with Consultant for engineering consulting services (hereinafter referred to as the "Agreement"); and

WHEREAS, the sample agreement incorporated into the Request for Qualifications (RFQ) solicitation stated Consultant could be compensated for services performed on each Service Authorization in accordance with a negotiated lump sum. However, the Agreement erroneously did not allow for a lump sum compensation method; and

WHEREAS, City sought hourly raw salary rates with a multiplier of three times each hourly raw salary rate (Multiplier Option) from Consultant. However, the Agreement erroneously did not incorporate a Multiplier Option; and

WHEREAS, City desires to add to the Agreement a lump sum compensation method and a Multiplier Option; and

WHEREAS, Consultant agrees to continue to provide services to City in accordance with the terms and conditions of the Agreement and as amended by this Amendment No. 1.

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. Exhibit "B" of the Agreement dated August 31, 2017 is hereby replaced in its entirety with the revised Exhibit "B", which is attached hereto and incorporated herein.
3. Article 3 of the Agreement shall be amended to read as follows:

The City shall pay the Consultant for performing the Services based on the Prices and Rates shown in Exhibit "B", which is attached hereto and incorporated herein, or pursuant to a negotiated lump sum.

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 Consultant hereto have set their hands and corporate seals on this _____ day of _____, 20__.

ATTEST:

CITY OF DELRAY BEACH

Katerri Johnson, City Clerk

BY:

Shelly Petrolia, Mayor

Approved as to form for legal sufficiency:

R. Max Lohman, City Attorney



CONSULTANT

By:

Jose A. Quintana

Printed Name

Executive Vice President

Title

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 19 day of March, 2018, by Jose A. Quintana as Officer (name of officer or agent, title of officer or agent), of Marlin Engineering, Inc. (name of corporation acknowledging), a Florida (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced personally known (type of identification) as identification.



Erica Sobelman
COMMISSION #FF239559
EXPIRES: June 10, 2019
WWW.AARONNOTARY.COM

Notary Public – State of Florida

Exhibit B



Category: Engineering	Hourly Raw Salary Rate	Hourly Salary Rate with 3x Multiplier Option
Principal Engineer	\$ 53.42	\$160.26
Project Manager	\$ 33.06	\$99.18
Senior Engineer	\$ 34.61	\$103.83
Engineer I	\$ 20.00	\$60.00
Engineer II	\$ 24.52	\$73.56
Senior Engineering Tech	\$ 25.21	\$75.63
Senior CADD Designer	\$ 21.75	\$65.25
CADD Designer	\$ 20.00	\$60.00
Construction Manager	\$ 30.00	\$90.00
Senior Inspector	\$ 22.00	\$66.00
Office Support	\$ 18.68	\$56.04

PRICE ADJUSTMENTS BASED ON GOVERNMENTAL PRICE INDEX

Prior to the completion of the first year of the Contract term, and every 12-month anniversary thereafter, the City may consider an adjustment to prices based on the most recent 12 month change in the following pricing index: Bureau of Labor Statistics, Employment Cost Index, Private Industry Workers, Total Compensation, Management business and financial occupations, Not Seasonally Adjusted, CIU2010000110000A.

It is Consultant's responsibility to request any pricing adjustment under this provision. For any adjustment to be considered, the Consultant's request for adjustment should be submitted at least sixty (60) days prior to the anniversary date. The adjustment requested shall not be in excess of the relevant pricing index change. If a timely adjustment request is not received from the Consultant, the City may exercise its Option to Renew the Contract for another Term without any pricing adjustment.