

## **MEMORANDUM**

DATE: July 19, 2023

TO: \*\*\*\*ORIGINAL\*\*\*\*  
CITY CLERK

FROM: Nathaniel Rubel – Assistant Procurement Director  
Procurement Management Division

SUBJECT: Record Retention

CONTRACT: #20220044 Amendment #1  
CONTRACT TITLE: Westport Wastewater Treatment Facility Nutrient  
Reduction Improvements Construction Manager at  
Risk

VENDOR NAME: Wharton-Smith, Inc.  
VENDOR ADDRESS: 750 Monroe Road  
CITY & STATE: Sanford, FL 32771

APPROVED BY COUNCIL: March 27, 2023  
7g) - Award Contract #20220044 for Construction Manager at Risk  
Preconstruction Services for the Westport Wastewater Treatment Facility Nutrient  
Reduction Improvements in the amount of \$210,305.

-

CONTRACT AMOUNT: \$210,305.00  
CONTRACT TERM: 180 calendar days – 3/28/2023 through 09/24/2023, with  
no option to renew.

**AMENDMENT #1: Approved by Council July 10, 2023.**

7k) Approve Amendment #1 to Contract #20220044 with Wharton-Smith, Inc. the  
Westport Wastewater Treatment Facility Nutrient Reduction Improvement  
Project.

-Add additional time with a revised Contract end date of December 17, 2023 and  
a revised Contract amount of \$6,932,008.00 (Estimated).

Please see the attached for (1) original contract for your records.



## CONTRACT ADDENDUM #1

This Addendum #1 to the Westport Wastewater Treatment Facility Nutrient Reduction Improvements for Construction Management at Risk services Contract #20220044 ("Addendum") is executed this 20<sup>th</sup> day of July 2023, by and between the **CITY OF PORT ST. LUCIE**, a municipal corporation ("City") and the Contractor (defined below).

|                                            |                                                                                                              |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Contractor's Full Legal Name:</b>       | Wharton-Smith, Inc., a Florida Profit Corporation                                                            |
| <b>Solicitation No./Event ID:</b>          | 20220044                                                                                                     |
| <b>Solicitation Title/Event Name:</b>      | Westport Wastewater Treatment Facility Nutrient Reduction Improvements Construction Manager at Risk ("CMAR") |
| <b>Contract Award Date:</b>                | March 28, 2023                                                                                               |
| <b>Initial Current Contract Term:</b>      | 180 Days                                                                                                     |
| <b>Current Contract Expiration Date:</b>   | September 24, 2023                                                                                           |
| <b>Requested Contract Expiration Date:</b> | December 17, 2023                                                                                            |
| <b>Initial Contract Amount:</b>            | \$210,305.00 (Pre-Construction)                                                                              |
| <b>Current Contract Amended Amount:</b>    | N/A                                                                                                          |
| <b>Requested Financial Change Amount:</b>  | Estimated \$6,721,703.00 (Early GMP #1)                                                                      |
| <b>New Contract Amount:</b>                | \$6,932,008.00 (Estimated)                                                                                   |
| <b>Addendum No.:</b>                       | 1                                                                                                            |
| <b>Addendum Type:</b>                      | Terms Revision                                                                                               |

**RECITALS**

**WHEREAS**, on March 27, 2023, City Council awarded Contract #20220044 for Construction Manager at Risk ("CMAR") Pre-construction Services for the Westport Wastewater Treatment Facility Nutrient Reduction Improvements ("Project") in the amount of \$210,305.00 to Contractor ("Contract"); and

**WHEREAS**, the Contract is attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, the Contractor developed the Guaranteed Maximum Pricing ("GMP") as required by the Contract; and

**WHEREAS**, the early estimated GMP is included in the Early Package #1, attached hereto as Exhibit "B" and hereby incorporated by reference; and

**WHEREAS**, the City and Contractor wish to amend the Contract to approve the Early Package #1 which contains the estimated GMP and authorize the Contractor to proceed with construction and related activity for the Project,

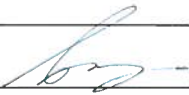
**NOW THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **RECITALS.** The foregoing "Whereas" clauses are hereby incorporated as forming the intent and purpose of this Addendum.
2. **TERMS.** The parties agree to incorporate the early estimated GMP included in the Early Package #1, attached hereto as Exhibit "B," and amend the Contract as follows:
  - a. Term. The parties agree that the Contract Term is hereby extended to December 17, 2023.
  - b. Pricing. The GMP for the Project is estimated at \$6,721,703.00.
3. **EFFECTIVE DATE.** This Addendum shall be effective as of the date it is fully executed.
4. **SUCCESSORS AND ASSIGNS.** This Addendum shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.
5. **ENTIRE AGREEMENT.** Except as expressly modified by this Addendum, the Contract shall be and remain in full force and effect in accordance with its terms and shall constitute the legal, valid, binding, and enforceable obligations to the parties. This Addendum and the Contract (including any written addendums/amendments thereto), collectively, are the complete agreement of the parties and supersede any prior agreements or representations, whether oral or written, with respect thereto.

**SIGNATURE PAGE FOLLOWS**

IN WITNESS WHEREOF, the parties have caused this Addendum to be duly executed by their authorized representatives.

**CONTRACTOR**

|                                                              |                                                                                   |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>Contractor's Full Legal Name: (PLEASE TYPE OR PRINT):</b> | Wharton-Smith, Inc.                                                               |
| <b>Authorized Signature:</b>                                 |  |
| <b>Printed Name and Title of Person Signing:</b>             | Gregory L. Williams, Director of Operations                                       |
| <b>Date:</b>                                                 | 07/05/2023                                                                        |
| <b>Company Address:</b>                                      | 750 Monroe Road, Sanford, FL 32771                                                |

**THE CITY OF PORT ST. LUCIE**

|                                                  |                                                                                      |
|--------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>Authorized Signature:</b>                     |  |
| <b>Printed Name and Title of Person Signing:</b> | Caroline Sturgis, Director, Office of Management & Budget, and Procurement           |
| <b>Date:</b>                                     | 7/20/2023                                                                            |
| <b>City Address:</b>                             | 121 S.W. Port St. Lucie Blvd., Port St. Lucie, FL 34984                              |