

## MEMORANDUM

DATE: June 29, 2022

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

FROM: Shelby Dolan, Procurement Agent II  
Procurement Management Department

SUBJECT: Records Retention

CONTRACT: #20160056 Amendment #8  
CONTRACT TITLE: Riverwalk and Westmoreland Park Design

VENDOR NAME: Culpepper & Terpening, Inc.  
VENDOR ADDRESS: 2980 S 25<sup>th</sup> Street  
CITY & STATE: Ft. Pierce, FL 34981

ORIGINAL CONTRACT APPROVED BY COUNCIL: 09/12/2016

AMENDMENT #5 APPROVED BY COUNCIL: 10/22/ 2018  
CONTRACT AMENDMENT TERM: 10/01/2018 through 09/30/2019, with no option to renew. Increase of \$213,754 for a new contract total of \$728,889

AMENDMENT #6 APPROVED BY COUNCIL: 03/09/2020  
CONTRACT AMENDMENT TERM: 09/30/2020 through 09/30/2021, with no option to renew. Increase of \$154,055 for a new Contract total of \$849,394.

AMENDMENT #7 APPROVED BY COUNCIL: 06/22/2020  
Amendment #7 does not affect the current contract period which ends September 30, 2021. One-time expense of \$93,118.

AMENDMENT #8 APPROVED BY COUNCIL: 06/27/2022  
CONTRACT TERM: Amendment #8 extends the contract term from 09/30/2021 to a revised end date of 03/30/2023 (546 calendar days) with an increase of \$122,445 with a revised contract amount of \$1,064,967.

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

Thank you.

RA  
MR



**CONTRACT AMENDMENT**

This amendment by and between the Contractor and the City as defined below shall be effective as of the date this Amendment is fully executed.

<b>Contractor's Full Legal Name:</b>	Culpepper & Terpening, Inc.
<b>Solicitation No./Event ID:</b>	20160056
<b>Solicitation Title/Event Name:</b>	Riverwalk and Westmoreland Park Design Plan
<b>Contract Award Date:</b>	September 12, 2016
<b>Initial Current Contract Term:</b>	October 1, 2016
<b>Current Contract Expiration Date:</b>	September 30, 2021
<b>Requested Contract Expiration Date:</b>	March 30, 2023 (addition of 546 days)
<b>Initial Contract Amount:</b>	\$334,975.00
<b>Current Contract Amended Amount:</b>	\$942,512.00
<b>Requested Financial Change Amount:</b>	\$122,445.00
<b>New Contract Amount:</b>	\$1,064,967.00
<b>Amendment No.:</b>	8
<b>Amendment Type:</b>	Terms Revision

WHEREAS, the Contract is in effect through the Current Contract Term as defined above; and

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

1. **TERMS REVISION.** The following modifications to the Terms and Conditions contained in Contract # 20160056 between Culpepper & Terpening, Inc. dated October 01, 2016 and the City of Port St. Lucie are hereby incorporated and make a part of that Contract.

SCOPE OF SERVICES:

The Engineer is to provide additional services for the construction engineering, inspection and testing for the Westmoreland Park Phase of the Riverwalk Boardwalk & Westmoreland Park project. The scope of work will include additional environmental permit coordination for the permitting of the FDOT underpass.

**TASK 7.17 – FDOT Underpass & Environmental Permitting**

Consultant shall prepare permit applications to the Florida Department of Environmental Protection for the modifications to the submerged land lease required for the permitting of the FDOT Port St. Lucie Boulevard Bridge pedestrian underpass. Additionally, gopher tortoise survey and relocation on the Westmoreland park site shall be provided.

**TASK 7.18 – Westmoreland Park Plan Updates & Bid Assistance**

Consultant shall assist the City with preparation of bid documents for the Westmoreland Park. The plan updates include revisions to the site electrical plans to meet current project site needs. The bid documents shall include technical specification and compilation of the bid plan components for the complete park system. Work shall include coordination with the City's consultants for the playground improvements. Scope shall include preparation of documents, response to bidder questions, bid review and recommendations of award.

**TASK 7.19 – Construction Engineering & Inspection (Westmoreland Park)**

The Engineer shall provide Construction Engineering Inspection (CEI) services during the estimated construction period of twenty-six (26) weeks along with a two (2) week close out for a total construction duration of fourteen (28) weeks. An inspector will be provided part time as required to review work completed by the contractor. Periodic Inspection Services during the construction of the designed improvements shall assist with interpretations of, and report on, issues related to the construction plans and contract documents. Engineering services shall be provided for CEI support during the procurement process, review of contractor's shop drawings, construction documents and plans, coordination and daily field inspection and documentation of construction activities, schedule monitoring, pay item tracking and monthly progress payments, coordination of progress meetings and other project related meetings as necessary, and review of as-built drawings to facilitate construction final payment and close-out.

The Engineer shall perform the following scope of construction related services:

1. Coordination of daily site inspection by Engineer's Inspector, with the following tasks performed:
  - Review contractor's planned activities for the day;

- Summarize personnel and equipment present;
  - Observe construction materials staged onsite;
  - Observe and monitor construction activities (pile driving and boardwalk)
  - Observe and monitor offsite drainage and property impacts;
  - Observe and monitor erosion control measures;
  - Observe and monitor maintenance of traffic;
  - Perform periodic checks of contractor's compliance with contract specification requirements;
  - Photo document site as needed;
  - Document and summarize resolution of any problems, issues, contract interpretations, etc.;
  - Complete Daily Work Reports; and
  - Document pay item quantities for constructed/installed materials
2. Review and coordinate response for any written Contractor Requests for Information (RFIs) provided to Engineer.
  3. Review and provide recommendations to the City on any change orders necessary to complete intent of project scope.
  4. Review and provide recommendations to the City on the Contractor's Monthly Pay Request.
  5. Conduct initial and final walk-through inspections of project with pertinent stakeholders and provide City with punch list input. Ensure correction of any deficient items noted on punch list.
  6. Review and provide the City with recommendations and resolution on any claim issue provided to Engineer by the Contractor.

**TASK 7.20 – Construction Testing (Westmoreland Park)**

The Engineer will provide construction testing for the Phase 2 project. Testing is based upon the following:

- Pile Driving observation and testing
- Saximeter testing (1 month)
- Density tests (350 Tests)
- Proctors (4 tests)
- Limerock Bearing Ratio (LBR) (4 tests)
- Concrete Cylinder tests (10 tests)

**TASK 7.21 – Gopher Tortoise Relocation**

Consultant shall prepare a relocation permit to the Florida Fish and Wildlife Conservation Commission (FFWCC) to allow the relocation of the gopher tortoise located on the Westmoreland Park site. Task shall include the permitting, relocation and after action report to the FFWCC.

**TIME OF PERFORMANCE:**

The original contract period started October 01, 2016, with a completion date of September 30, 2017. The work for this amendment will be provided in accordance with the following schedule:

<u>Phase/Task</u>	<u>Description</u>	<u>Est. Begin</u>	<u>Est. Completion</u>
Task 7.17	FDOT Underpass & Environmental Permitting	10/2021	03/2022
Task 7.18	Westmoreland Park Plan Updates & Bid Assistance	12/2021	03/2022
Task 7.19	Construction Engineering & Inspection	03/2022	12/2022
Task 7.20	Construction Testing	03/2022	12/2022
Task 7.21	Gopher Tortoise Relocation	04/2022	05/2022

**COMPENSATION:**

Payment for services shall be provided on a monthly basis based upon the percentage of work completed.


<u>Phase/Task</u>	<u>Description</u>	<u>Task Fee</u>
Task 7.17	FDOT Underpass Environmental Permitting	\$29,100 LS
Task 7.18	Westmoreland Park Bid Assistance	\$18,200 LS
Task 7.19	Construction Engineering & Inspection	\$38,840 T&E
Task 7.20	Construction Testing	\$31,905 T&E
Task 7.21	Gopher Tortoise Relocation	\$4,400 LS

**GRAND TOTAL OF AMENDMENT #8 \$122,445**


2. **TIME EXTENSION.** The parties hereby agree that the contract will be extended for an additional period of time as follows:
  - a. Extend Contract term for an additional 546 calendar days:  
 Beginning Date of Amendment #8 Term: September 30, 2021.  
 End Date of Amendment #8 Term: March 30, 2023.
  - b. The parties agree the contract will expire at midnight on the date defined as the "End Date of Amendment #8 Term" unless the parties agree to extend the contract for an additional period of time.
  
3. **SUCCESSORS AND ASSIGNS.** This Amendment shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.
  
4. **ENTIRE AGREEMENT.** Except as expressly modified by this Amendment, 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 Amendment and the contract (including any written amendments thereto), collectively, are the complete agreement of the parties and supersede any prior agreements or representations, whether oral or written, with respect thereto.

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

**CONTRACTOR**

<b>Contractor's Full Legal Name: (PLEASE TYPE OR PRINT)</b>	CULPEPPER & TERPENING, INC.
<b>Authorized Signature:</b>	
<b>Printed Name and Title of Person Signing:</b>	Stefan K. Matthes, PE, Senior Vice President
<b>Date:</b>	June 15, 2022
<b>Company Address:</b>	2980 South 25 <sup>th</sup> Street Ft. Pierce, FL 34981

**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>	6/30/2022
<b>City Address:</b>	121 S.W. Port St. Lucie Blvd., Port St. Lucie, FL 34984