



CONTRACT ADDENDUM #5

This Addendum #5 to the Westport Wastewater Treatment Facility Nutrient Reduction Improvements Construction Management at Risk (“CMAR”) services Contract #20220044 (“Addendum”) is executed this ____ day of _____ 2025, by and between the CITY OF PORT ST. LUCIE, a Florida municipal corporation (“City”) and the Contractor (defined below).

Contractor’s Full Legal Name:	Wharton-Smith, Inc., a Florida Profit Corporation
Solicitation No./Event ID:	20220044
Solicitation Title/Event Name:	Westport Wastewater Treatment Facility Nutrient Reduction Improvements Construction Manager at Risk (“CMAR”)
Contract Award Date:	March 28, 2023
Initial Contract Term:	180 Days
Current Contract Expiration Date:	December 31, 2026
Requested Contract Expiration Date:	March 30, 2028
Initial Contract Amount:	\$ 210,305.00 (Pre-Construction)
Current Contract Amended Amount:	\$ 40,640,363.00
Requested Financial Change Amount:	\$ 21,977,861.00
New Contract Amount:	\$ 62,618,224.00
Addendum No.:	5
Addendum Type:	Increase of Commodities

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”) to Contractor (“Contract”) as amended; 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 was included in the Early Package #1 as Addendum #1; and

WHEREAS, a subsequent GMP was provided for the nutrient removal at the Westport Wastewater Treatment Facility as Addendum #2; and

WHEREAS, the City and Contractor established the amounts for liquidated damages for each calendar day that the actual time of performance exceeds the authorized Contract time for Substantial Completion and Final Completion in Addendum #3; and

WHEREAS, the City intends to fund the Project, in whole or in part, using funding it has received under the Florida Department of Environmental Protection Standard Grant Agreement #WG115, which has been incorporated into the Contract in Addendum #4; and

WHEREAS, the City and Contractor wish to amend the Contract to approve the GMP #3 which contains the estimated GMP for the Project’s Advanced Water Treatment Improvements – Denitrification Facility 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 GMP #3, attached hereto as Exhibit “B,” and amend the Contract as follows:
 - a. Term. The parties agree that the Contract Term is hereby extended to March 30, 2028.
 - b. Pricing. The GMP for the Project is estimated at \$62,618,224.00.
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 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

Contractor's Full Legal Name: (PLEASE TYPE OR PRINT)	Wharton-Smith, Inc.
Authorized Signature:	
Printed Name and Title of Person Signing:	Gregory L. Williams, Vice President of Operations
Date:	12/01/2025
Company Address:	750 Monroe Road, Sanford, FL 32771

CITY OF PORT ST. LUCIE

Authorized Signature:	
Printed Name and Title of Person Signing:	Caroline Sturgis, Director, Office of Management & Budget, and Procurement
Date:	
City Address:	121 S.W. Port St. Lucie Blvd., Port St. Lucie, FL 34984