

FIRST AMENDMENT TO
CONSTRUCTION AGREEMENT

THIS FIRST AMENDMENT to the Agreement by and between The School Board of Broward County, Florida (“School Board” or “Owner”) and DiPompeo Construction Corp., Inc. (“DiPompeo”) dated May 22, 2018 (the "Agreement") for construction and renovations at Annabel C. Perry Pre K-8 School (the “Project”), is hereby entered into this 7th day of August 2018; and

WHEREAS, the School Board and DiPompeo acknowledge and agree that the Agreement is in full force and effect except to the extent this First Amendment modifies specific provisions thereof; and

WHEREAS, a request for lump-sum bids to construct the Project (“Bid Documents”) was advertised for three hundred and thirty (330) consecutive calendar days from the commencement date stipulated on Document 00550: Notice to Proceed; and

WHEREAS, the Bid Documents advertised included the *Agreement Form for Hard Bid – Document 00520* which indicated a project duration of 330 calendar days; and

WHEREAS, after receipt and tabulation of all bids, DiPompeo was determined to be the lowest, responsive, responsible bidder, and as a result, District Staff transmitted an Intent to Award together with a copy of an *Agreement Form for Hard Bid – Document 00520* for execution to DiPompeo; and

WHEREAS, through inadvertence, the *Agreement Form for Hard Bid – Document 00520* transmitted to DiPompeo for execution contained a typographical error indicating a project duration of 420 calendar days; and

WHEREAS, the erroneous *Agreement Form for Hard Bid – Document 00520* indicating a project duration of 420 calendar days was approved by the School Board at its meeting of May 22, 2018; and

WHEREAS, upon recent realization of the typographical error, the Parties mutually desire to correct the erroneous project duration of 420 calendar days as approved to a project duration of 330 days.

NOW THEREFORE, in exchange for the mutual covenants and promises as set forth herein, the parties agree as follows:

1. The recitals contained hereinabove are true and correct and are incorporated herein by reference.
2. Article 4.03.01 of *Agreement Form for Hard Bid – Document 00520* is hereby amended to indicate a project duration of 330 consecutive calendar days from the commencement date stipulated on Document 00550: Notice to Proceed.

Authority:

Each person signing this First Amendment on behalf of either party warrants that he or she has full legal power to execute this First Amendment on behalf of the party for whom he or she is signing it to bind and obligate such party with respect to all provisions contained in herein.

IN WITNESS WHEREOF, the Parties hereto have made and executed this First Amendment on the day and year first above written.

FOR SCHOOL BOARD

(Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By

Nora Rupert, Chair

Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:



Office of the General Counsel

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FOR DIPOMPEO

(Corporate Seal)



ATTEST:

John Di Pompeo *vs/sec*
, Secretary

DIPOMPEO CONSTRUCTION CORP., INC.

By [Signature]
John DiPompeo, Jr., President

-or-

Witness

Witness