

REINSTATEMENT AND FIRST AMENDMENT

THIS IS A REINSTATEMENT AND FIRST AMENDMENT TO THE AGREEMENT dated the _____ day of _____, 2020, between:

CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, hereinafter referred to as “CITY,”

and

WEST CONSTRUCTION, INC., a Florida corporation, having its office and place of business at 820 North 4th Street, Lantana, FL 33462, hereinafter referred to as “CONTRACTOR.”

WHEREAS, the parties entered into an agreement for upgrades to the existing Ocean Rescue Building located at 50 N. Pompano Beach Blvd. and to construct and install eight (8) custom designed lifeguard stations on March 27, 2019, ("Original Agreement"), and approved by the City Ordinance No. 2019-41; and

WHEREAS, the time period provided in the Original Agreement has concluded and a period of time of less than three months has lapsed without completion of all tasks due to the City’s desire to obtain additional work to the subject structure under a separate agreement. Said additional work has delayed the completion of the original work under the Original Agreement; and

WHEREAS, the parties desire to reinstate and to extend the term of the Original Agreement to October 1, 2023, and to amend certain terms and conditions of the Original Agreement.

WITNESSETH:

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments herein set forth CITY and CONTRACTOR agree as follows:

1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

2. The Original Agreement effective March 27, 2019, a copy of which is attached hereto and made a part hereof as Exhibit "A," shall remain in full force and effect except as specifically amended hereinbelow.

3. That Article 1., WORK, of the Original Agreement is hereby amendment as follows:

The project consist of the furnishing of all labor, equipment and materials for: ~~Constructing and installing a custom roof addition for seating coverage~~ Ocean Rescue building interior upgrades and construction of lifeguard towers.

4. That Article 3., CONTRACT TIME, of the Original Agreement is hereby amended as follows:

Article 3. CONTRACT TIME

...

This Agreement shall reinstate upon execution by both parties and shall be extended and terminate upon completion of all required tasks, but in any event no later than October 1, 2023.

5. The parties hereto agree to reinstate and extend the Original Agreement to October 1, 2023.

6. This Agreement shall bind the parties and their respective executors, administrators, successors and assign and shall be fully effective as though the extension had been originally included in the Agreement.

THE REMAINDER OF THE PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.

“CITY”:

Witnesses:

CITY OF POMPANO BEACH

By: _____
REX HARDIN, MAYOR

By: _____
GREGORY P. HARRISON, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

MARK E BERMAN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this _____ day of _____, 20__ by **REX HARDIN** as Mayor, **GREGORY P. HARRISON** as City Manager, and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY’S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number