FIFTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN SONG + ASSOCIATES, INC., AND RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY TO PROVIDE ADDITIONAL ARCHITECTURAL AND DESIGN SERVICES FOR PHASE ONE MARINA REDEVELOPMENT PROJECT

THIS AGREEMENT amendment made and entered into this ____ day of _____, 2017, by and between, SONG + ASSOCIATES, hereinafter referred to as "Consultant," whose mailing address is, 400 Australian Avenue South, 6th Floor, West Palm Beach, FL 33401, and the Riviera Beach Community Redevelopment Agency a body corporate and politic created pursuant to Chapter 163, Part II, Florida Statutes, hereinafter referred to as "CRA," whose address is 2001 Broadway Suite 300, Riviera Beach, Florida, 33404, is hereby amended as follows:

WHEREAS, on April 24, 2013, the CRA and the Consultant entered into a contract for complete design documents for phase one of the Marina Redevelopment Project for a fee of $1,373,836 plus 10% contingency (the "Contract"); and

WHEREAS, the Contract provided for amendments to increase the scope of work and increase the amount of the contract; and

WHEREAS, on March 18, 2014, the CRA and the Consultant entered into the First Modification to the Contract to provide additional service for the Phase One Project for an amount not to exceed $273,538 (the Contract and approved Amendments will be collectively referred to as the "Contract"); and

WHEREAS, on August 13, 2014, the CRA and the Consultant entered into the 2nd Modification to the Contract to provide professional design services for the Public Market Project in the amount of $1,026,731.20; and

WHEREAS, on September 23, 2015, the CRA and the Consultant entered into the 3rd Modification to the Contract to provide professional design services for the Restaurant Row element of the Marina Project to complete the site plan application for the future restaurants and related surface parking in the amount of $222,292.; and

WHEREAS, on December 9, 2015, the Riviera Beach Community Agency

approved Resolution 2015-48 approving the Fourth Modification to the Professional Service Agreement with the Consultant to provide for extended Construction Administration (CA) for the Phase One Marina Project extending the CA services through completion and final commissioning for the project (April 2016); and

WHEREAS, the parties desire to amend the Contract to provide additional professional services to professional services previously approved relating to construction administration for the Over the Water fueling office project and the design of the modification to the existing seawall.

In consideration of the mutual covenants and promises set forth herein, the parties to this agreement amendment do hereby agree as follows:

1. To amend the Contract to provide additional professional services previously approved relating to construction administration for the Over the Water fueling office project and the design of the modification to the existing seawall as described in the attached scope of services for additional fees not to exceed $44,500.00.

2. To the extent that there exists a conflict, this Agreement, the Scope of Work and any work orders, the terms, conditions, covenants, and/or provisions of this Agreement shall prevail. Wherever possible, the provisions of such documents shall be construed in such a manner as to avoid conflicts between provisions of the various documents.

3. All other terms in the Contract remain in effect.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties unto this Agreement have set their hands and seals on the day and date first written above.

RIVIERA BEACH COMMUNITY
REDEVELOPMENT AGENCY

By:_____
Name: Kashamba Miller Anderson
Title: Chairperson

ATTEST:

_____
Scott Evans, Interim Executive Director

Approved as to form and legal sufficiency

J. Michael Haygood
Date 11/28/2017
General Counsel to CRA

SONG + ASSOCIATES, INC.

By: _____

Name: _____

Title: _____