



THE CITY OF KEY WEST

1300 WHITE STREET
KEY WEST, FLORIDA 33040

FIRST AMENDMENT TO CONTRACT

This First Amendment to Contract is entered into this _____ day of June 2024, by and between the City of Key West, Florida, a municipal corporation (hereinafter the “CITY”) and Toppino and Sons, Inc, a Florida corporation (hereinafter “Toppino’s”).

WITNESSETH

WHEREAS, in Resolution 21-25, CITY and Toppino’s entered into a General Utilities Services Contract on or about the 28th day of June, 2021, (the “Contract”), pertaining to the construction and repairs to various municipal utilities infrastructure components in the City of Key West; and

WHEREAS, Article 4 of the Contract calls for a three-year term, with a two-year extension at the option of CITY; and

WHEREAS, the Contract allows for a CPI increase for the two-year extension, however the parties recognize an unanticipated increase in material prices that are contained in the scope of services; and

WHEREAS, CITY desires to exercise its option to extend the Contract for the two-year term with a CPI increase as contemplated in Article 4 of the Contract; and

WHEREAS, CITY acknowledges that there has been an unanticipated and material increase in the cost of construction materials since the execution of the Contract that exceeds the CPI increase contemplated in Article 4 of the Contract; and

NOW, THEREFORE, in mutual consideration of the benefits conferred upon the parties by the terms of this Amendment, CITY and Toppino’s agree to amend the Contract as follows:

RECITALS: That the above recitals are true and correct and made a part hereof;

Section 1: The term of the Contract shall be extended for two years beyond the expiration date of June 28th, 2021. The new expiration date shall be June 27, 2026.

Section 2: CITY And Toppino's agree to renegotiate the cost increase of construction materials in good faith on or before August 8, 2024. Toppino's will present data to substantiate a structures material cost adjustment to be considered by the City Commission for CITY at the August 8th City Commission meeting.

Section 3: Except as modified herein, the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Contract on the date first written above.

CITY OF KEY WEST, FLORIDA

By: _____
Albert Childress, City Manager

ATTEST:

RR

Keri O'Brien, City Clerk

TOPPINO'S AND SONS, INC.

By: _____
Richard Toppino, President

Witness

Witness