

City of Key West  
1300 White Street  
Key West, FL 33040  
Attn: Karen Wilman

December 7, 2021 (Revised 4/19/22)

**Re: Frederick Douglass Gym Extension – Contract Amendment Number Three (Project No. 19095)**

Dear Ms. Wilman,

This letter is Amendment Number 3 to the Agreement (“Agreement”) between K2M Design, Inc. (“Architect / Engineer”) and City of Key West (“Client”) for the performance of services in connection with Frederick Douglass Gym Extension (“Project”). The purpose of this letter is to request additional funds to finalize the Design Development phase drawings associated with the complete redesign of the subject Project by making the building a single-story structure in lieu of the previous versions. This amendment covers the costs for the Design Professional to refine the requested Project for City approvals to move into Construction Documents and to design the building to accommodate solar power in coordination with the Solar Provider. Amendment 3 also includes Bidding, Permitting, and Construction Administration services. This Amendment is effective as of the date of this letter. All other terms and conditions of the Agreement not previously amended or specifically modified by this Amendment remain in effect.

Architect / Engineer and Client modify the Agreement as follows:

Services include:

- Architectural services include the refinement of drawings for City approvals and design meetings with City of Key West. (K2M has provided Space Planning / Programming time associated with the redesign of the building from a two-story to a one-story structure at no cost to the City of Key West.)
  - MEP/S modifications associated with the redesign to complete Design Development Drawings. To be completed once city approvals are received.
  - (1) additional meeting with the music program for (1) person at (2) hours maximum.
  - (1) meeting with the City of Key West Maintenance representatives to review design basis for proposed equipment. (1) person at (2) hours maximum.
  - Completed: (1) additional HARC meetings for (2) persons at (2) hours each.
  - Completed: (1) additional Planning meeting for (2) persons at (1) hours each.
  - Completed: (1) Pre-Application meeting with HARC for (2) persons at (2) hours each.
  - Completed: (1) additional BVRAC meeting for (2) persons at (2) hours each.
  - Completed: (4) additional Client meetings for review of Design Development drawings for (1) hour and (1) design professional
- Design Professional shall revert the Prime agreement intended Sheet Specifications to Book Specifications due to public bidding. City to provide the Project Manual.
- Design Professional shall coordinate with Client chosen Solar programmer. K2M shall include Solar program design requirements within current design.
- Civil Engineering: Incorporate client directed site modifications for single story building from two story structure. Design Professional has provided a new DRC package (9/17/21) that includes the new site plan and building footprint. Design Professional shall also provide Construction Documents for permitting per the approved layout and provide FKAA coordination services for approval.

BUILDING RELATIONSHIPS BASED ON TRUST AND RESULTS.

- Landscape Design: Incorporate client directed site modifications for single story building from two story structure. Design professional has provided a new DRC package (9/17/21) that includes the new site plan and provide additional coordination through planning and tree commissioning.

#### Construction Documents:

- Design Professional to provide Construction Documents per the single-story structure and refined scope

#### Permitting:

- Six (6) hours have been included within the base fee for compiling permit ready drawings and submission to Key West Building Department.
- One (1) hour has been included within the base fee for Keys Energy permitting submission.
- Thirty-four (34) hours have been included for permitting correspondence and updates.
- Civil engineer to coordinate for permit with FCAA and SFWMD Permit Certification.

#### Bidding

- Design Professional shall assist the Client with drawing coordination to Client-chosen Bidder's list for the subject project. Ten (10) hours included for Correspondence with Client-chosen Bidders.
- One (1) pre-bid meeting for (1) person at two (2) hours maximum.
- Creation of pre-bid meeting agenda totaling three (3) hours maximum.
- Compilation of pre-bid meeting minutes.
- A maximum of thirty (30) RFIs at two (2) hours each for RFIs.
- A maximum of thirty-six (36) hours for substitution requests.
- A maximum of two (2) addenda reports totaling six (6) hours.
- A maximum of forty (40) hours for addendum drawing updates.
- A maximum of three (3) hours for Bidding Tabulation
- A maximum of one (1) review meeting for one (1) person at one (1) hour maximum with Client.

#### Construction Administration (Assuming 16 months of construction):

- One (1) preconstruction meeting attendance for one (1) person at one (2) hours maximum.
- Design Professional shall review Submittals and RFIs received from the General Contractor.
  - A maximum of (100) RFIs at one and a half (1.5) hours each for RFIs.
  - A maximum of (75) Submittals at two (2) hours each for Submittals are within the base fee of this amendment. One (1) re-review is included within the base fee for submittals. Any reviews after the first re-review of submittals, will be invoiced on an hourly basis.
  - If additional time is required, client will be notified and will request written approval to proceed on an hourly invoicing schedule.
- Design Professional shall review monthly pay applications from the General Contractor, for a total of twelve (12) pay applications. The base fee does not include Pencil Pay Application reviews which shall be reviewed by the Client. Only one (1) re-review is included within the base fee. Any reviews after the re-review request, will be invoiced on an hourly basis.
- Design Professional shall provide bi-weekly site observations totaling twenty-four (24) construction observation site visits and provide a written report of observations. Additional site observation visits are available upon request and will be invoiced upon an hourly basis.

- One (1) Punch Walk site visit is included within the base fee for each discipline (Architecture, MEP/S, and Civil) and Punch List provided within the base fee; to be scheduled by Client. Further site visits are available upon request and will be invoiced upon an hourly basis.
- Civil Engineer
  - One (1) site visit upon request of Client. (Not including Punch Walk site Visit)
  - A maximum of eighteen (18) hours for Submittal reviews and RFI responses.
  - A maximum of twelve (12) OAC meetings. Attendance to be virtual.

*A fixed fee of ONE HUNDRED NINETY-NINE THOUSAND TWO HUNDRED FIFTY-NINE DOLLARS AND FIFTY CENTS (\$199,259.50) is requested to complete these services. Design Phase Services schedule will be finalized upon receiving signed amendment. As of 12/1/21, new rates were approved under the Master Service Agreement. All time before 12/1/21 were calculated per the 5/1/21 approved rates.*

| FEE SCHEDULE                | K2M                  | Civil Engineer - Consultant | Landscape - Consultant | TOTAL                |
|-----------------------------|----------------------|-----------------------------|------------------------|----------------------|
| Design Development          | \$ 6,588.50          | \$ 10,580.00                | \$ 6,900.00            | \$ 24,068.50         |
| Construction Documents      | \$ 28,885.00         | \$ 6,325.00                 | \$ 2,300.00            | \$ 37,510.00         |
| Permitting                  | \$ 5,900.00          | \$ 5,175.00                 |                        | \$ 11,075.00         |
| Construction Administration | \$ 103,587.00        | \$ 8,970.00                 | \$ 1,725.00            | \$ 114,282.00        |
| Project Management          | \$ 12,324.00         |                             |                        | \$ 12,324.00         |
| <b>Total</b>                | <b>\$ 157,284.50</b> | <b>\$ 31,050.00</b>         | <b>\$ 10,925.00</b>    | <b>\$ 199,259.50</b> |

Schedule (Excluding Holidays): Times below are subject to change and final schedule to be determined upon receiving signed amendment.

- Design Development Drawings: 6 Weeks
  - Client Review: 2 weeks
- Construction Documents 50%: 8 weeks
  - Client Review: 2 weeks
- Construction Documents 100%: 6 weeks
  - Client Review: 2 weeks
- Permit Ready Drawings: 1-2 weeks

#### Exclusions:

- (1) review meeting with client from Design Development package Review meeting
- No additional City approval meetings shall be included outside of the ones stated above and below table. Further meetings will be completed by Client. Upon written request from Client, Design Professional can attend additional meetings and will be invoiced on an hourly invoice schedule.
- Record Drawings
- Fire Alarm/Suppression Design
- Pest Control System Design
- Interior Design
- LEED
- Cost Estimating
- Landscape Lighting
- Signage & Wayfinding

BUILDING RELATIONSHIPS BASED ON TRUST AND RESULTS.

- FDEP, ACOE, FDOT Permitting or Scope
- Environmental Engineering
- All Submittal fees, application fees, permit fees, and impact fees to be provided by Client

| Design Development                                      |                        |                            | 41.5  |           |
|---------------------------------------------------------|------------------------|----------------------------|-------|-----------|
| Activity                                                | Discipline             | Role                       | Hours | Rate      |
| Design Phase Kickoff Meeting                            | Architecture           | Architect III              | 0.5   | \$ 158.00 |
|                                                         | M/P Engineering        | Director                   | 0.5   | \$ 187.00 |
| Calculations, Design, & Modeling                        | Structural Engineering | Senior Engineer            | 2.0   | \$ 192.00 |
| ComCheck                                                | M/P Engineering        | Engineer II                | 1.0   | \$ 141.00 |
|                                                         | Electrical Engineering | Engineer II                | 1.0   | \$ 141.00 |
| Calculations: System Sizing, Duct calcs                 | M/P Engineering        | Engineer II                | 2.0   | \$ 141.00 |
| Calculations/Layout/Design/Photometrics                 | Electrical Engineering | Engineer II                | 2.0   | \$ 141.00 |
| QA/QC                                                   | Architecture           | Senior Project Manager III | 1.0   | \$ 203.00 |
|                                                         | Electrical Engineering | Senior Engineer            | 1.0   | \$ 192.00 |
|                                                         | M/P Engineering        | Senior Engineer            | 1.0   | \$ 192.00 |
|                                                         | Structural Engineering | Senior Engineer            | 1.0   | \$ 192.00 |
| Client Submittal                                        | Architecture           | Architect III              | 0.5   | \$ 158.00 |
| (1) Additional Music Program Meeting                    | Architecture           | Architect III              | 2.0   | \$ 158.00 |
| (1) Additional Director of Maintenance Meeting          | Architecture           | Architect III              | 2.0   | \$ 158.00 |
| (4) Additional Client Meetings - Complete               | Architecture           | Architect III              | 4.0   | \$ 152.00 |
| (1) Additional HARC Meetings - Complete                 | Architecture           | Architect III              | 4.0   | \$ 158.00 |
| (1) Additional Planning Meeting - Complete              | Architecture           | Architect III              | 4.0   | \$ 158.00 |
| (1) Additional Pre- Application HARC Meeting - Complete | Architecture           | Architect III              | 4.0   | \$ 152.00 |
| (1) Additional BVRAC Meeting - Complete                 | Architecture           | Architect III              | 4.0   | \$ 152.00 |
| (4) Additional Client Meetings - Complete               | Architecture           | Architect III              | 4.0   | \$ 152.00 |
| Construction Documents                                  |                        |                            | 201.0 |           |
| Activity                                                | Discipline             | Role                       | Hours | Rate      |
| Construction Document Updates per the new design        | Architecture           | Designer III               | 23.0  | \$ 141.00 |
|                                                         | M/P Engineering        | Engineer II                | 18.0  | \$ 141.00 |
|                                                         | Electrical Engineering | Engineer II                | 38.0  | \$ 141.00 |
|                                                         | Structural Engineering | Engineer II                | 34.0  | \$ 141.00 |
| Project Manual                                          | Architecture           | Architect III              | 8.0   | \$ 158.00 |
| Book Specifications                                     | Architecture           | Architect III              | 16.0  | \$ 158.00 |
|                                                         | M/P Engineering        | Engineer II                | 8.0   | \$ 141.00 |
|                                                         | Electrical Engineering | Engineer II                | 8.0   | \$ 141.00 |
|                                                         | Structural Engineering | Engineer II                | 10.0  | \$ 141.00 |
| Solar Engineer Coordination (Hired by Client)           | Architecture           | Architect III              | 8.0   | \$ 158.00 |
|                                                         | Electrical Engineering | Engineer II                | 15.0  | \$ 141.00 |
|                                                         | Structural Engineering | Engineer II                | 15.0  | \$ 141.00 |

BUILDING RELATIONSHIPS BASED ON TRUST AND RESULTS.

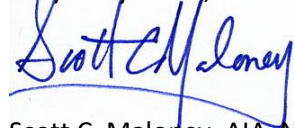
| Permitting                                         |                        |               | 41.0  |           |
|----------------------------------------------------|------------------------|---------------|-------|-----------|
| Activity                                           | Discipline             | Role          | Hours | Rate      |
| Due Diligence                                      | Architecture           | Architect III | 3.0   | \$ 158.00 |
| Permit Application                                 | Architecture           | Architect III | 2.0   | \$ 158.00 |
| Execution                                          | Architecture           | Architect III | 1.0   | \$ 158.00 |
| Keys Energy Permit Submission                      | Architecture           | Architect III | 1.0   | \$ 158.00 |
| Permitting Comments                                | Architecture           | Designer III  | 10.0  | \$ 141.00 |
|                                                    | M/P Engineering        | Engineer II   | 8.0   | \$ 141.00 |
|                                                    | Electrical Engineering | Engineer II   | 8.0   | \$ 141.00 |
|                                                    | Structural Engineering | Engineer II   | 8.0   | \$ 141.00 |
| Bidding                                            |                        |               | 164.0 |           |
| Activity                                           | Discipline             | Role          | Hours | Rate      |
| Correspondence with Bidders                        | Architecture           | Architect III | 10.0  | \$ 158.00 |
| Contractor RFI's                                   | Architecture           | Architect III | 15.0  | \$ 158.00 |
|                                                    | Architecture           | Designer III  | 10.0  | \$ 141.00 |
|                                                    | M/P Engineering        | Engineer II   | 15.0  | \$ 141.00 |
|                                                    | Electrical Engineering | Engineer II   | 10.0  | \$ 141.00 |
|                                                    | Structural Engineering | Engineer II   | 10.0  | \$ 141.00 |
| Substituion Requests                               | Architecture           | Architect III | 10.0  | \$ 158.00 |
|                                                    | M/P Engineering        | Engineer II   | 8.0   | \$ 141.00 |
|                                                    | Electrical Engineering | Engineer II   | 8.0   | \$ 141.00 |
|                                                    | Structural Engineering | Engineer II   | 6.0   | \$ 141.00 |
| Pre-Bid meeting agenda                             | Architecture           | Architect III | 3.0   | \$ 158.00 |
| Pre-Bid Meeting                                    | Architecture           | Architect III | 2.0   | \$ 158.00 |
| Pre-Bid Meeting Minutes                            | Architecture           | Architect III | 10.0  | \$ 158.00 |
| #1-2 Addendum Report                               | Architecture           | Architect III | 6.0   | \$ 158.00 |
| Addendum Drawing Updates                           | Architecture           | Architect III | 10.0  | \$ 158.00 |
|                                                    | M/P Engineering        | Engineer II   | 10.0  | \$ 141.00 |
|                                                    | Electrical Engineering | Engineer II   | 10.0  | \$ 141.00 |
|                                                    | Structural Engineering | Engineer II   | 10.0  | \$ 141.00 |
| Bidding Tabulation                                 | Architecture           | Architect III | 3.0   | \$ 158.00 |
| Bid Review Report with Client                      | Architecture           | Architect III | 8.0   | \$ 158.00 |
| Construction Administration                        |                        |               | 705.0 |           |
| Activity                                           | Discipline             | Role          | Hours | Rate      |
| Preconstruction Agenda / Meeting / Meeting Minutes | Architecture           | Architect III | 8.0   | \$ 158.00 |
| RFIs                                               | Architecture           | Architect III | 30.0  | \$ 158.00 |
|                                                    | Architecture           | Designer III  | 30.0  | \$ 141.00 |
|                                                    | M/P Engineering        | Engineer II   | 30.0  | \$ 141.00 |
|                                                    | Electrical Engineering | Engineer II   | 30.0  | \$ 141.00 |
|                                                    | Structural Engineering | Engineer II   | 30.0  | \$ 141.00 |
| Submittals + Shop Drawing Review                   | Architecture           | Architect III | 25.0  | \$ 158.00 |
|                                                    | Architecture           | Designer III  | 35.0  | \$ 141.00 |
|                                                    | M/P Engineering        | Engineer II   | 30.0  | \$ 141.00 |
|                                                    | Electrical Engineering | Engineer II   | 30.0  | \$ 141.00 |
|                                                    | Structural Engineering | Engineer II   | 30.0  | \$ 141.00 |
| Contractor Coordination                            | Architecture           | Architect III | 80.0  | \$ 158.00 |
| Monthly Pay Applications                           | Architecture           | Architect III | 24.0  | \$ 158.00 |
| General Document Revisions                         | Architecture           | Architect III | 10.0  | \$ 158.00 |
|                                                    | Architecture           | Designer III  | 30.0  | \$ 141.00 |
|                                                    | M/P Engineering        | Engineer II   | 20.0  | \$ 141.00 |
|                                                    | Electrical Engineering | Engineer II   | 20.0  | \$ 141.00 |
|                                                    | Structural Engineering | Engineer II   | 20.0  | \$ 141.00 |

BUILDING RELATIONSHIPS BASED ON TRUST AND RESULTS.

|                                                                   |                        |               |              |             |        |
|-------------------------------------------------------------------|------------------------|---------------|--------------|-------------|--------|
| Site Visit #1-32 (Bi-weekly) & Report                             | Architecture           | Architect III | 25.0         | \$          | 158.00 |
|                                                                   | Architecture           | Designer III  | 32.0         | \$          | 141.00 |
| Site Visit #1-32 Report Development/<br>Review / Finalize / Issue | Architecture           | Architect III | 32.0         | \$          | 158.00 |
|                                                                   | Architecture           | Designer III  | 56.0         | \$          | 141.00 |
| One (1) Punch Walk                                                | Architecture           | Architect III | 8.0          | \$          | 158.00 |
|                                                                   | M/P Engineering        | Engineer II   | 8.0          | \$          | 141.00 |
|                                                                   | Electrical Engineering | Engineer II   | 8.0          | \$          | 141.00 |
|                                                                   | Structural Engineering | Engineer II   | 8.0          | \$          | 141.00 |
| Punch List Development & Issue                                    | Architecture           | Architect III | 4.0          | \$          | 158.00 |
|                                                                   | M/P Engineering        | Engineer II   | 4.0          | \$          | 141.00 |
|                                                                   | Electrical Engineering | Engineer II   | 4.0          | \$          | 141.00 |
|                                                                   | Structural Engineering | Engineer II   | 4.0          | \$          | 141.00 |
| <b>Project Management</b>                                         |                        |               | <b>78.0</b>  |             |        |
| <b>Activity</b>                                                   | <b>Discipline</b>      | <b>Role</b>   | <b>Hours</b> | <b>Rate</b> |        |
| Internal Project Management                                       | Architecture           | Architect III | 20.0         | \$          | 158.00 |
| Design Coordination                                               | Architecture           | Architect III | 25.0         | \$          | 158.00 |
| Engineering Coordination                                          | Architecture           | Architect III | 25.0         | \$          | 158.00 |
| Scheduling                                                        | Architecture           | Architect III | 8.0          | \$          | 158.00 |

If the terms of this Amendment meet with your approval, please indicate by signing and returning one copy of this letter to us. If you have any questions, please do not hesitate to call. Thank you.

Very Truly Yours,



Scott C. Maloney, AIA, NCARB, LEED AP  
President

Authorization:

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Signature (signer represents that she or he is legally  
authorized to sign on behalf of client)

BUILDING RELATIONSHIPS BASED ON TRUST AND RESULTS.