

CONSTRUCTION MANAGER AT RISK AGREEMENT
NORTHEAST REGIONAL WASTEWATER TREATMENT FACILITY EXPANSION FROM 6
TO 9 MGD

#2023-074

AMENDMENT #2

This Amendment, effective as of the date executed by the County (the "Effective Date"), is hereby entered into by and between Polk County, a political subdivision of the State of Florida, (the "County"), situated at 330 West Church Street, Bartow, Florida 33830, and Wharton-Smith, Inc. (the "Construction Manager") a Florida corporation, located at 750 Monroe Road, Sanford, Florida 32771 whose Federal Employer Identification Number is 59-2392802.

WITNESSETH:

WHEREAS, the County and the Construction Manager entered into that certain Construction Manager at Risk (CMAR) Agreement #2023-074 dated December 5, 2023 (the "Agreement") for construction manager at risk services related to the preconstruction services that included project management, permitting support services, cost estimates, constructability review and value engineering, and conceptual scheduling for the Northeast Regional Wastewater Treatment Facility (NERWWTF) expansion from 6.0 million gallons daily (MGD) to 9.0 MGD ("Project"); and

WHEREAS, Exhibit "B" of the Agreement, the Pre-Construction Services Addendum, divided the preconstruction services into two (2) phases: Phase 1, Biosolid Improvements, and Phase 2, Capacity Expansion, to result in two (2) GMP Addendums; and

WHEREAS, the Phase 1 preconstruction services were comprised of, and limited to: project coordination, cost estimation, constructability review and value engineering, final design, bidding, Guaranteed Maximum Price (GMP) development services for Phase 1, Biosolids Improvements; and the Phase 2 preconstruction services were comprised of, and limited to: project coordination, cost estimation, constructability review and value engineering, and initial critical path method master scheduling for Phase 2, Capacity Expansion; and

WHEREAS, the estimated time for the Construction Manager to complete preconstruction services for Phase 1 and Phase 2, collectively, as identified in the Agreement was six (6) months for a total not-to-exceed cost of \$320,513.00, as further set forth in Exhibit "B" of the Agreement; and

WHEREAS, the Board approved Amendment #1 on September 17, 2024, combining Phase 1, Biosolids Improvements and Phase 2, Capacity Expansion and are now referred to as "the Project" to be constructed in four (4) phases, which will result in five (5) GMPs; and

WHEREAS, Exhibit "K", Hourly Rate Schedule of the Agreement does not include all positions necessary to complete the GMP services; and

WHEREAS, by this Amendment #2, the parties desire to revise Exhibit "K" and replace it with the attached Exhibit "A"; and

WHEREAS, pursuant to Section 1.2 of the Agreement, the County and the Construction Manager mutually agree to amend the Agreement as set forth below.

NOW, THEREFORE, the County and the Construction Manager hereby agree as follows:

1. The recitals stated above are true and correct and are fully incorporated herein.
2. The Agreement is hereby modified and amended to identify additional positions with hourly billing rates, which is more fully set forth and described in **Exhibit "A"** of this Amendment.
3. The Agreement, as amended by this Amendment #2, continues in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

ATTEST:

STACY M. BUTTERFIELD
CLERK OF THE BOARD

Polk County, a political subdivision
of the State of Florida

By: _____
Deputy Clerk

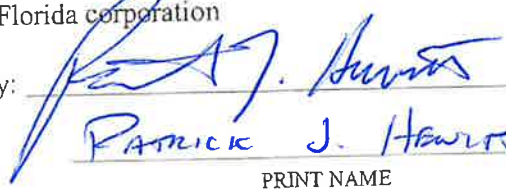
By: _____
T.R. Wilson, Chairman
Board of County Commissioners

Date Signed By County _____

Reviewed as to form and legal sufficiency:

 9/18/25
County Attorney's Office Date

Wharton-Smith, Inc.,
a Florida corporation

By: 
Patrick J. Hewitt
PRINT NAME

COO - W&H
TITLE

Date: 10-17-25

EXHIBIT "A" TO
2023-074, AMENDMENT 2

REVISED EXHIBIT “K”

Northeast Regional Wastewater Treatment Facility Expansion from 6 to 9 MGD

HOURLY RATE SCHEDULE

General Superintendent	\$178.00
Senior Superintendent	\$176.00
Superintendent	\$161.00
Field Engineer	\$117.00
Senior Project Manager	\$172.00
Project Manager	\$161.00
Assistant Project Manager	\$134.00
Senior Project Engineer	\$117.00
Project Engineer	\$99.00
Project Engineer-Intern	\$61.00
Administrative Assistant	\$97.00
Executive Management	\$191.00
Project Accountant	\$127.00
Quality Manager	\$172.00
Safety Manager	\$144.00
Senior Preconstruction Manager	\$188.00
Director of Estimating	\$191.00
Estimators	\$161.00
Document Specialist	\$97.00