

**FIRST AMENDMENT
TO AGREEMENT**

THIS FIRST AMENDMENT (the “First Amendment”) to the Construction Management Agreement is made and entered into this **21st day of January, 2004** by and between the CITY OF NAPLES, a Florida Municipal Corporation (the “City”), and **D. Garrett Construction, Inc.** (the “Contractor”).

WITNESSETH

WHEREAS, the City and the Contractor entered into that certain Construction Management Agreement, **dated December 18, 2002** (the “Original Agreement”) for **the Norris Community Center Project** (‘Project’); and

WHEREAS, the parties desire to amend the Original Agreement by this First Amendment to provide for additional payment to the Contractor for additional construction services pursuant to the terms and conditions contained herein.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and in consideration of the mutual covenants, promises and conditions herein set forth, it is hereby acknowledged and agreed as follows:

1. The above recitals are true and correct and are incorporated herein by this Reference.
2. The scope of services shall be amended hereto and incorporated herein for the provision of **additional construction services as outlined in the attached Agenda Memorandum, in the amount of \$41,698.96, for a total construction cost of \$1,991,698.96**
3. The terms of this First Amendment shall control and take precedence over any and all terms, provisions and conditions of Original Agreement which might vary, contradict or otherwise be inconsistent with the terms and conditions hereof. All of the other terms, provisions and conditions of Original Agreement, except as expressly amended and modified by this Second Amendment, shall remain unchanged and are hereby ratified and confirmed and shall remain in full force and effect.
4. This First Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original as against any part whose signature appears thereon and all of which shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the City and the Contractor have caused this First Amendment to be duly executed by their duly authorized officers, all as of the day and year first above written.

CITY:

ATTEST:

CITY OF NAPLES, FLORIDA

By: _____
Tara Norman, City Clerk

By: _____
Dr. Robert E. Lee, City Manager

Approved as to form and legal sufficiency:

By: _____
Robert D. Pritt, City Attorney

D. GARRETT CONSTRUCTION, INC.

witness

By: _____

Name: _____

Title: _____

Amendment to agreement

Exhibit A