

**SECOND AMENDMENT
TO AGREEMENT**

THIS SECOND AMENDMENT (the “Second Amendment”) to Agreement is made and entered into this **17th day of December, 2008** by and between the CITY OF NAPLES, a Florida Municipal Corporation (the “City”), and **Play it Safe Enterprises, Inc.** (the “Contractor”).

WITNESSETH

WHEREAS, the City and the Contractor entered into that certain Agreement to furnish professional services dated **21st day of May, 2008 (Resolution 08-12055)** (the “Original Agreement”) **for installation of playground surfacing at the new Fun Time Early Childhood Academy located at 102 12th Street North** (‘Project’); and

WHEREAS, the parties desire to amend the Original Agreement by this Second Amendment so that the Contractor can complete the project.

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. “Article Three Section 3.1, Time” shall be amended to extend the **completion date from November 15, 2008, to ~~December 31, 2008~~ January 15, 2009.**
3. That the new Davis Bacon wage rates shall be added to the Agreement pursuant to HUD compliance requirements, which rates are set forth in the attached Exhibit “A”.
4. The terms of this Second 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.
5. This Second 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 Second 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: _____
A William Moss, City Manager

Approved as to form and legal sufficiency:

By: _____
Robert D. Pritt, City Attorney

Play it Safe Enterprises, Inc.

witness

By: _____

Name: _____

Title: _____

Exhibit A

Updated Davis Bacon Wage Rates

HEAVY CONSTRUCTION PROJECTS (Excluding Sewer & Water Lines)
Web Site: <http://www.wdol.gov/wdol/scafiles/davisbacon/fl32.dvb>
General Decision Number: FL080032 10/10/2008 FL32
Superseded General Decision Number: FL20070032
State: Florida
Construction Type: Heavy
Counties: Broward, Collier, Lee, Martin, Miami-Dade, Palm
Beach and St Lucie Counties in Florida.

SEWER & WATER LINE CONSTRUCTION
Web Site: <http://www.wdol.gov/wdol/scafiles/davisbacon/fl33.dvb>
General Decision Number: FL080033 02/08/2008 FL33
Superseded General Decision Number: FL20070033
State: Florida
Construction Types: Heavy Sewer and Water Line
Counties: Broward, Collier, Lee, Martin, Miami-Dade, Palm
Beach and St Lucie Counties in Florida.

HOPPER DREDGE CONSTRUCTION PROJECTS
Web Site: <http://www.wdol.gov/wdol/scafiles/davisbacon/fl52.dvb>
General Decision Number: FL080052 02/08/2008 FL52
Superseded General Decision Number: FL20070054
State: Florida
Construction Types: Heavy Dredging
Counties: Florida Statewide.

DREDGING CONSTRUCTION PROJECTS FLORIDA (West of the Aucilla
River and all tributary waterways)
Web Site: <http://www.wdol.gov/wdol/scafiles/davisbacon/fl91.dvb>
General Decision Number: FL080091 07/25/2008 FL91
Superseded General Decision Number: FL20070094
State: Florida
Construction Type: Heavy Dredging
Counties: Florida Statewide.

DREDGING CONSTRUCTION PROJECTS FLORIDA (Excluding West of the
Aucilla River and its tributary waterways)
Web Site: <http://www.wdol.gov/wdol/scafiles/davisbacon/fl45.dvb>
General Decision Number: FL080045 10/03/2008 FL45
Superseded General Decision Number: FL20070045
State: Florida
Construction Type: Heavy Dredging
Counties: Florida Statewide.

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