

FIRST AMENDMENT OF AGREEMENT FOR WASTEWATER COLLECTION SYSTEM

THIS FIRST AMENDMENT OF THE AGREEMENT FOR WASTEWATER COLLECTION SYSTEM, made and entered into on this 19th day of April, 2018 by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and Miller Pipeline, LLC ("Vendor"), collectively, the "Parties."

WHEREAS, the County entered into an Agreement for the purchase of wastewater collection system rehabilitation services through Solicitation RFP170241DLK with Vendor on the 5th day of January, 2018 ("Agreement"); and,

WHEREAS, the parties desire to make certain amendments to the Agreement, pursuant to Article XVII(A) – Miscellaneous, regarding authorization of work via Purchase Orders instead of Supplemental Task Authorizations, project authorization procedures, and the removal of the \$1,000,000.00 work performance cap.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE MUTUAL COVENANTS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

1. The Parties agree that, with the exception of the Exhibit A – Scope of Services, all uses of the term "Supplemental Task Authorization" shall be superseded by the term "Purchase Order."
2. The Parties agree that the term "Change Order" in Article II(C) – Term and Delivery shall be superseded by the term "Lee County Modified PO Change Form."
3. The Parties agree that the Exhibit A – Scope of Services shall be superseded in its entirety by the following:

"Contractor shall provide wastewater collection system rehabilitation services on an as needed basis in accordance with the Lee County Modified Construction Requisition Form(s) issued under this Agreement, if any.

A. Lee County Modified Construction Requisition Form

The term Lee County Modified Construction Requisition Form ("MCR Form") refers to a written document executed by both parties under this Agreement setting forth and authorizing a limited number of services, tasks, or work for a specific project identified by the County. Such services, tasks, or work is consistent with and has previously been described by the Solicitation and this Agreement.

B. Award of Work

As provided by the Solicitation, individual projects defined by a MCR Form may be awarded to the Contractor through a Purchase Order, but those individual projects must not exceed \$200,000.00 each.

C. Modifications to Projects Authorized via MCR Form

A Lee County Modified PO Change Form properly executed by both parties shall be used in the event of a modification to a project that was defined by a MCR form and authorized by Purchase Order.

D. Additional Purchases

If the County requires the Contractor to perform additional services or provide additional product(s) related to this Agreement, then the Contractor shall be entitled to additional compensation based on the Fee Schedule as amended to the extent necessary to accommodate such additional work or product(s). The additional compensation shall be agreed upon before commencement of any additional services or provision of additional product(s) and shall be authorized by a Lee County Modified PO Change Form to a MCR Form. The County will not pay for any additional service, work performed or product provided before a properly executed Lee County Modified PO Change Form.

Notwithstanding the preceding, in the event additional services are required as a result of error, omission or negligence of the Contractor, the Contractor will not be entitled to additional compensation.

E. Performance of Work under this Agreement

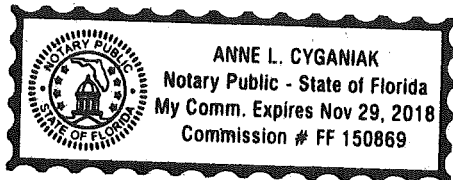
All work shall be provided and performed in accordance with the Technical Specifications of the Solicitation and as further described in any MCR Form issued under this Agreement."

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, this First Amendment of the Agreement has been signed and sealed,
in duplicate, by the respective parties hereto.

DATED this 19th day of April, 2018 by the Lee County Board of County
Commissioners.

COUNTY: LEE COUNTY, FLORIDA



BY: [Signature]
Pamela Keyes
Director of Utilities

[Signature of Anne L. Cyganiak]

APPROVED as to Form for the Reliance of
Lee County Only

BY: [Signature]
County Attorney's Office

DATED this 7 day of APRIL, 2018 by Miller Pipeline, LLC

ATTEST:

BY: [Signature] ✓
Authorized Signature

[Signature]
(Witness)

DANIEL SHORT
Authorized Signature Printed Name

[Signature]
(Witness)

CFO
Authorized Signature Title

CORPORATE SEAL: