

FIRST AMENDMENT OF AGREEMENT FOR CONCRETE FLAT WORK
SIDEWALKS, CURBS, GUTTERS, AND OTHER RELATED ITEMS

THIS FIRST AMENDMENT OF THE AGREEMENT FOR CONCRETE FLAT WORK
SIDEWALKS, CURBS, GUTTERS, AND OTHER RELATED ITEMS, made and entered into
by and between the Lee County Board of County Commissioners, a political subdivision of the
State of Florida ("County") and Neubert Construction Services, Inc., ("Contractor"), collectively,
the "Parties."

WHEREAS, the County entered into an Agreement for the purchase of concrete flat work
sidewalks, curbs, gutters, and other related items for Lee County, through Solicitation Number
B190074JJB with Contractor on the 1st day of October, 2019, ("Agreement"); and,

WHEREAS, Exhibit A, Scope of Services to the Agreement establishes all projects up to
\$500,000.00 must be quoted by all awarded contractors before award of the County Project
Authorization; and,

WHEREAS, it was discovered after the execution of the Agreement, that it would be in the
best interest of the County for projects with a total cost of more than \$50,000.00, but less than
\$500,000.01, to be quoted by three (3) awarded Contractors under the Contract; and,

WHEREAS, the Parties desire to modify the Agreement pursuant to Section 13.
Modification of the Agreement.

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

[The remainder of this page intentionally left blank.]

1. Section B. Award of County Project Authorizations in Exhibit A Scope of Services shall be superseded by:

“As provided by the Solicitation, individual projects may be awarded and authorized via County Project Authorization, to any of the firms approved by the Board of County Commissioners under that solicitation. Award shall be made as follows:

All projects with a total cost of **\$50,000.00 or less** may be awarded to any firm holding a valid contract under this bid able to meet the required project schedule.

All projects with a total cost of **more than \$50,000.00, but less than \$500,000.01**, shall be quoted by **a minimum of three (3) awarded Contractors** holding a valid contract under Solicitation No. B190074JJB before award of the County Project Authorization. When quotes are requested, the Contractor’s submittal shall be based on the unit prices provided by Exhibit B, or lower prices. The quote shall not list any prices that are higher. Award of the project shall be made to the firm holding a valid contract under the Solicitation, with the lowest quoted price, able to meet the required project schedule.”

2. The Parties agree that the Scope of Services in Exhibit A of the Agreement shall be supplemented by the following clause:

“The County retains the right to separately and competitively bid any and all projects/tasks, with a total cost of **\$500,000.01 or more**, outside of Solicitation No. B190074JJB.”

[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 16 day of January, 2019^{20 201} by the Lee County Board of County Commissioners.

COUNTY: LEE COUNTY, FLORIDA

BY: Mary G. Tucker
Mary G. Tucker
Director of Procurement Management, on behalf of the Board of County Commissioners

APPROVED as to Form for the Reliance of Lee County Only

BY: [Signature]
County Attorney's Office

DATED this 8 day of January, 2019²⁰²⁰ by Neubert Construction Services, Inc.

ATTEST:

BY: Heather Y. Neubert
Authorized Signature

[Signature]
(Witness)

Heather Y. Neubert
Authorized Signature Printed Name

President
Authorized Signature Title

CORPORATE SEAL: