

B220257ACN
Alternative Paving Methods - Annual
Russ Berner Construction, Inc. - Amendment No. 1

FIRST AMENDMENT OF THE MASTER CONSTRUCTION AGREEMENT
ALTERNATIVE PAVING METHODS - ANNUAL

THIS FIRST AMENDMENT OF THE MASTER CONSTRUCTION AGREEMENT FOR AGREEMENT ALTERNATIVE PAVING METHODS - ANNUAL, made and entered into by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and Russ Berner Construction, Inc., ("Contractor"), collectively, the "Parties."

WHEREAS, the County executed a Master Construction Agreement for the purchase of alternative paving method services, through Solicitation B220257ACN with Contractor on the 22nd day of August, 2022 ("Agreement");

WHEREAS, it was discovered after the execution of the Agreement that the pricing for item no. 121-70-2 – "Flowable Fill – 20+ CY," item no. 425-2 – "Adjusting Valve Boxes (Metal Riser Rings) – 6-10 each," and item no. 570-1-2B – "PERFORMANCE TURF, SOD (Floritam)- 100-500 SY" in the Exhibit B. Fee Schedule of the Agreement had been entered incorrectly from the Vendor's original bid; and,

WHEREAS, the County and Contractor desire to enter into this First Amendment to correct the pricing for the above-mentioned items in the Exhibit B. Fee Schedule of the Agreement; 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:

1. The Parties agree that, effective upon full execution of this Amendment, the Exhibit B. Fee Schedule of the Agreement shall be superseded by:

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EXHIBIT B – FEE SCHEDULE

<i>Mobilization/Maintenance of Traffic</i>				
<i>Item</i>	<i>Item Description</i>	<i>Estimated Quantity</i>	<i>Unit of Measure</i>	<i>Unit Price</i>
101-1	Mobilization	1	%	5.00%
101-1N	Night Work Mobilization	1	%	10.00%
102-1	Maintenance of Traffic	1	%	5.00%
102-1N	Maintenance of Traffic Nightwork	1	%	10.00%

<i>Asphalt, Earthwork and Concrete</i>				
<i>Item</i>	<i>Item Description</i>	<i>Estimated Quantity</i>	<i>Unit of Measure</i>	<i>Unit Price</i>
104-12	Staked Silt Fence	50-500	LF	\$3.00
104-12	Staked Silt Fence	501+	LF	\$2.50
110-1-1	<i>Clearing and Grubbing</i>	1	AC	\$8,000.00
110-1	Curb and Gutter Removal	25-250	LF	\$100.00
110-1	Curb and Gutter Removal	251-500+	LF	\$35.00
110-2	Miscellaneous Concrete Removal	50-500	SY	\$65.00
110-2	Miscellaneous Concrete Removal	501-1000+	SY	\$35.00
110-3	Existing Pipe Removal	10-200	LF	\$200.00
110-3	Existing Pipe Removal	201-500+	LF	\$96.00
110-4	Removal of Existing Pavement	20-500	SY	\$90.00
110-4	Removal of Existing Pavement	501-1000+	SY	\$35.00
120-1	Roadway Excavation	201-500	CY	\$45.00
120-1	Roadway Excavation	501-1000+	CY	\$40.00
120-4	Swale Grading	20-200	LF	\$75.00
120-4	Swale Grading	201-500+	LF	\$35.00
120-6	Embankment (Truckload)	1-200	CY	\$115.00
120-6	Embankment (Truckload)	201-500+	CY	\$60.00
121-70-2	Flowable Fill	1-20	CY	\$500.00
121-70-2	Flowable Fill	20+	CY	\$350.00
285-7	Asphaltic Base Course	20-200	TN	\$325.00
285-7	Asphaltic Base Course	201-500	TN	\$175.00
285-7	Asphaltic Base Course	501-1000+	TN	\$160.00
327-70-1	Milling (1")	1-200	SY	\$95.00
327-70-1	Milling (1")	201-500	SY	\$50.00
327-70-1	Milling (1")	501-1000+	SY	\$25.00
327-70-6	Milling (1.5")	1-200	SY	\$95.00
327-70-6	Milling (1.5")	201-500	SY	\$50.00
327-70-6	Milling (1.5")	501-1000+	SY	\$25.00
327-70-5	Milling (2")	1-200	SY	\$95.00
327-70-5	Milling (2")	201-500	SY	\$60.00
327-70-5	Milling (2")	501-1000+	SY	\$28.00
327-70-4	Milling (3")	1-200	SY	\$95.00
327-70-4	Milling (3")	201-500	SY	\$60.00
327-70-4	Milling (3")	501-1000+	SY	\$28.00
327-70-7	Milling (4")	1-200	SY	\$110.00
327-70-7	Milling (4")	201-500	SY	\$60.00

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327-70-7	Milling (4")	501-1000+	SY	\$28.00
327-70-10	Milling (5")	1-200	SY	\$110.00
327-70-10	Milling (5")	201-500	SY	\$60.00
327-70-10	Milling (5")	501-1000+	SY	\$28.00
327-70-23	Milling (6")	1-200	SY	\$110.00
327-70-23	Milling (6")	201-500	SY	\$60.00
327-70-23	Milling (6")	501-1000+	SY	\$28.00
331-1	Asphaltic Concrete Type "S-1"	20-200	TN	\$375.00
331-1	Asphaltic Concrete Type "S-1"	201-500	TN	\$190.00
331-1	Asphaltic Concrete Type "S-1"	501-1000+	TN	\$180.00
331-2	Asphaltic Concrete Type "S-3"	20-200	TN	\$375.00
331-2	Asphaltic Concrete Type "S-3"	201-500	TN	\$190.00
331-2	Asphaltic Concrete Type "S-3"	501-1000+	TN	\$180.00
334-1-13A	SuperPave Asphaltic Concrete 9.5 Traffic C	1-200	TN	\$375.00
334-1-13A	SuperPave Asphaltic Concrete 9.5 Traffic C	201-500	TN	\$195.00
334-1-13A	SuperPave Asphaltic Concrete 9.5 Traffic C	501-1000+	TN	\$185.00
334-1-13B	SuperPave Asphaltic Concrete 12.5 Traffic C	1-200	TN	\$375.00
334-1-13B	SuperPave Asphaltic Concrete 12.5 Traffic C	201-500	TN	\$190.00
334-1-13B	SuperPave Asphaltic Concrete 12.5 Traffic C	501-1000+	TN	\$185.00
334-1-14A	SuperPave Asphaltic Concrete 9.5 Traffic D	1-200	TN	\$385.00
334-1-14A	SuperPave Asphaltic Concrete 9.5 Traffic D	201-500	TN	\$205.00
334-1-14A	SuperPave Asphaltic Concrete 9.5 Traffic D	501-1000+	TN	\$195.00
334-1-14B	SuperPave Asphaltic Concrete 12.5 Traffic D	1-200	TN	\$385.00
334-1-14B	SuperPave Asphaltic Concrete 12.5 Traffic D	201-500	TN	\$190.00
334-1-14B	SuperPave Asphaltic Concrete 12.5 Traffic D	501-1000+	TN	\$185.00
334-1-23	Superpave Asphaltic concrete traffic C, PG 76-22,PMA	1-200	TN	\$550.00
334-1-23	Superpave Asphaltic concrete traffic C, PG 76-22,PMA	201-500	TN	\$500.00
334-1-23	Superpave Asphaltic concrete traffic C, PG 76-22,PMA	501-1000+	TN	\$450.00
334-1-53A	SUPERPAVE ASPHALTIC CONCRETE 9.5, TRAFFIC C, PG76-22	1-200	TN	\$415.00
334-1-53A	SUPERPAVE ASPHALTIC CONCRETE 9.5, TRAFFIC C, PG76-22	201-500	TN	\$235.00
334-1-53A	SUPERPAVE ASPHALTIC CONCRETE 9.5, TRAFFIC C, PG76-22	501-1000+	TN	\$225.00
334-1-53B	SUPERPAVE ASPHALTIC CONCRETE 12.5, TRAFFIC C, PG76-22	1-200	TN	\$415.00
334-1-53B	SUPERPAVE ASPHALTIC CONCRETE 12.5, TRAFFIC C, PG76-22	201-500	TN	\$220.00
334-1-53B	SUPERPAVE ASPHALTIC CONCRETE 12.5, TRAFFIC C, PG76-22	501-1000+	TN	\$205.00
337-7-82	ASPHALT CONCRETE FRICTION COURSE,TRAFFIC C, FC- 9.5, PG 76-22	1-200	TN	\$425.00
337-7-82	ASPHALT CONCRETE FRICTION COURSE,TRAFFIC C, FC- 9.5, PG 76-22	201-500	TN	\$245.00
337-7-82	ASPHALT CONCRETE FRICTION COURSE,TRAFFIC C, FC- 9.5, PG 76-22	501-1000+	TN	\$235.00
337-7-83	ASPHALT CONCRETE FRICTION COURSE,TRAFFIC C, FC- 12.5, PG 76-22	1-200	TN	\$425.00
337-7-83	ASPHALT CONCRETE FRICTION COURSE,TRAFFIC C, FC- 12.5, PG 76-22	201-500	TN	\$230.00
337-7-83	ASPHALT CONCRETE FRICTION COURSE,TRAFFIC C, FC- 12.5, PG 76-22	501-1000+	TN	\$215.00
425-1	Adjusting Manholes (Metal Riser Rings)	1-5	EA	\$900.00
425-1	Adjusting Manholes (Metal Riser Rings)	6-10	EA	\$650.00
425-1	Adjusting Manholes (Metal Riser Rings)	11-20+	EA	\$600.00
425-2	Adjusting Valve Boxes (Metal Riser Rings)	1-5	EA	\$550.00
425-2	Adjusting Valve Boxes (Metal Riser Rings)	6-10	EA	\$550.00
425-2	Adjusting Valve Boxes (Metal Riser Rings)	11-20+	EA	\$400.00
430-175-118	18" RCP CD - CLASS III	1-200	LF	\$170.00
430-175-118	18" RCP CD - CLASS III	201-500+	LF	\$170.00

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430-175-218	14"X23" ERCP CD - CLASS III	1-200	LF	\$200.00
430-175-218	14"X23" ERCP CD - CLASS III	201-500+	LF	\$200.00
430-982-125	MITERED END SECTION, 18" CD	1	EA	\$2,000.00
430-982-625	MITERED END SECTION, ELLIPTICAL, 14"X23" CD	1	EA	\$2,000.00
520 -1 -7	CONCRETE CURB & GUTTER, TYPE E	10-25	LF	\$200.00
520 -1 -7	CONCRETE CURB & GUTTER, TYPE E	26+	LF	\$190.00
520 -1 -10	CONCRETE CURB & GUTTER, TYPE F	10-25	LF	\$200.00
520 -1 -10	CONCRETE CURB & GUTTER, TYPE F	26+	LF	\$190.00
520 -2 -1	CONCRETE CURB, TYPE A	10-25	LF	\$200.00
520 -2 -1	CONCRETE CURB, TYPE A	26+	LF	\$190.00
520 -2 -2	CONCRETE CURB, TYPE B	10-25	LF	\$200.00
520 -2 -2	CONCRETE CURB, TYPE B	26+	LF	\$190.00
520 -2 -4	CONCRETE CURB, TYPE D	10-25	LF	\$200.00
520 -2 -4	CONCRETE CURB, TYPE D	26+	LF	\$190.00
520 -2 -8	CONCRETE CURB, TYPE RA	10-25	LF	\$200.00
520 -2 -8	CONCRETE CURB, TYPE RA	26+	LF	\$190.00
522-2	Concrete Sidewalk - (6" thickness)	20-100	SY	\$200.00
522-2	Concrete Sidewalk - (6" thickness)	101-250+	SY	\$175.00
527-2	Detectable Warning Surfaces (Inset) *	10-50	SF	\$70.00
527-2	Detectable Warning Surfaces (Inset) *	51-100+	SF	\$55.00
527-3	Det. Warning Surf. (Screwdown Retro-Fit)	10-50	SF	\$70.00
527-3	Det. Warning Surf. (Screwdown Retro-Fit)	51-100	SF	\$55.00
570-1-2A	PERFORMANCE TURF, SOD (Bahia)	100-500	SY	\$30.00
570-1-2A	PERFORMANCE TURF, SOD (Bahia)	501-1000+	SY	\$15.00
570-1-2B	PERFORMANCE TURF, SOD (Floritam)	100-500	SY	\$35.00
570-1-2B	PERFORMANCE TURF, SOD (Floritam)	501-1000+	SY	\$20.00
660-2-102	Loop Assembly, F&I - Type B	1	AS	\$3,500.00
660-2-106	Loop Assembly, F&I - Type F	1	AS	\$3,500.00

Striping / Pavement Markings

Item	Item Description	Estimated Quantity	Unit of Measure	Unit Price
704-1	Tubular Markers	1-25	EA	\$175.00
704-1	Tubular Markers	26+	EA	\$125.00
706-1	Reflective Pavement Markings (RPM's)	20-60	EA	\$10.00
706-1	Reflective Pavement Markers (RPM's)	61-100+	EA	\$6.00
710-1	6" Solid Traffic Stripe (paint)	1-200	LF	\$7.00
710-1	6" Solid Traffic Stripe (paint)	201-500	LF	\$3.50
710-1	6" Solid Traffic Stripe (paint)	501-1000+	LF	\$2.50
710-2	12" Solid Traffic Stripe (paint)	1-25	LF	\$10.00
710-2	12" Solid Traffic Stripe (paint)	26-50	LF	\$6.00
710-2	12" Solid Traffic Stripe (paint)	51-100+	LF	\$5.00
710-3	18" Solid Traffic Stripe (paint)	1-25	LF	\$14.00
710-3	18" Solid Traffic Stripe (paint)	26-50	LF	\$8.00
710-3	18" Solid Traffic Stripe (paint)	51-100+	LF	\$7.00
710-4	24" Solid Traffic Stripe (paint)	1-25	LF	\$17.00
710-4	24" Solid Traffic Stripe (paint)	26-50	LF	\$10.00

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710-4	24" Solid Traffic Stripe (paint)	51-100+	LF	\$9.00
710-5	6" Skip Traffic Stripe (paint)	1-200	LF	\$7.00
710-5	6" Skip Traffic Stripe (paint)	201-500	LF	\$3.50
710-5	6" Skip Traffic Stripe (paint)	501-1000+	LF	\$2.50
710-6	6" Dotted Guide Lines (paint)	1-50	LF	\$6.00
710-6	6" Dotted Guide Lines (paint)	51-100	LF	\$3.00
710-6	6" Dotted Guide Lines (paint)	101-150+	LF	\$2.50
710-7	Directional Arrows (Paint)	1	EA	\$120.00
710-8	Pavement Messages (Paint)	1	EA	\$250.00
710-9	8" Solid Traffic Stripe (Paint)	1-200	LF	\$9.00
710-9	8" Solid Traffic Stripe (Paint)	201-500	LF	\$5.00
710-9	8" Solid Traffic Stripe (Paint)	501-1000+	LF	\$4.00
710-112-90	PAINTED PAVEMENT MARKINGS, STANDARD, YELLOW, ISLAND NOSE	1-25	SF	\$17.00
710-112-90	PAINTED PAVEMENT MARKINGS, STANDARD, YELLOW, ISLAND NOSE	26-50	SF	\$10.00
710-112-90	PAINTED PAVEMENT MARKINGS, STANDARD, YELLOW, ISLAND NOSE	51-100+	SF	\$9.00
711-1	6" Solid Stripe/Extru. Thermo	1-200	LF	\$14.00
711-1	6" Solid Traffic Stripe/Extru. Thermo.	201-500	LF	\$7.00
711-1	6" Solid Stripe/Extru. Thermo.	501-1000+	LF	\$5.00
711-2	12" Solid Stripe/Extru. Thermo	1-25	LF	\$25.00
711-2	12" Solid Stripe/Extru. Thermo.	26-50	LF	\$15.00
711-2	12" Solid Stripe/Extru. Thermo.	51-100+	LF	\$10.00
711-3	18" Solid Stripe/Extru. Thermo	1-25	LF	\$30.00
711-3	18" Solid Stripe/Extru. Thermo.	26-50	LF	\$25.00
711-3	18" Solid Stripe/Extru. Thermo.	51-100+	LF	\$15.00
711-4	24" Solid Stripe/Extru. Thermo	1-25	LF	\$35.00
711-4	24" Solid Stripe/Extru. Thermo.	26-50	LF	\$25.00
711-4	24" Solid Stripe/Extru. Thermo.	51-100+	LF	\$20.00
711-5	6" Skip Traffic Stripe/Extru. Thermo	1-200	LF	\$14.00
711-5	6" Skip Traffic Stripe/Extru. Thermo.	201-500	LF	\$7.00
711-5	6" Skip Traffic Stripe/Extru. Thermo.	501+	LF	\$5.00
711-6	6" Dotted Guide Lines/Extru. Thermo	20-50	LF	\$14.00
711-6	6" Dotted Guide Lines/Extru. Thermo.	51-100	LF	\$7.00
711-6	6" Dotted Guide Lines/Extru. Thermo.	101+	LF	\$5.00
711-7	Directional Arrows / Extru. Thermo.	1	EA	\$200.00
711-7A	Preformed Arrow	1	EA	\$350.00
711-7B	Preformed Symbol (Bike)	1	EA	\$450.00
711-8	Pavement Messages / Extru. Thermo.	1	EA	\$300.00
711-9	8" Solid Traffic Stripe / Extru. Thermo	20-200	LF	\$18.00
711-9	8" Solid Traffic Stripe / Extru. Thermo	201-500	LF	\$9.00
711-9	8" Solid Traffic Stripe / Extru. Thermo	501+	LF	\$7.00
711-10	Remove Existing Pavement Markings	20-300	SF	\$15.00
711-10	Remove Existing Pavement Markings	300+	SF	\$10.00
711-14-123	Thermoplastic, preformed, white,solid 12" for crosswalks	1-25	LF	\$25.00
711-14-123	Thermoplastic, preformed, white,solid 12" for crosswalks	26-50	LF	\$22.00
711-14-123	Thermoplastic, preformed, white,solid 12" for crosswalks	51+	LF	\$20.00
711-14-125	Thermoplastic, preformed, white,solid 24" for crosswalks	1-25	LF	\$35.00
711-14-125	Thermoplastic, preformed, white,solid 24" for crosswalks	26-50	LF	\$32.00
711-14-125	Thermoplastic, preformed, white,solid 24" for crosswalks	51+	LF	\$30.00

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<i>Alternate Paving Methods</i>				
<i>Item</i>	<i>Item Description</i>	<i>Estimated Quantity</i>	<i>Unit of Measure</i>	<i>Unit Price</i>
APM-001	Single Micro Surface 18-22 lbs	10,000 to 50,000	SY	\$ -
APM-001	Single Micro Surface 18-22 lbs	50,001 +	SY	\$ -
APM-002	Double Micro Surface 28-32 lbs	10,000 to 50,000	SY	\$ -
APM-002	Double Micro Surface 28-32 lbs	50,001 +	SY	\$ -
APM-003	Single Chip Seal -#89 Granite	10,000 to 50,000	SY	\$ -
APM-003	Single Chip Seal -#89 Granite	50,001 +	SY	\$ -
APM-004	Double Chip Seal - #57 w/#89 Granite	10,000 to 50,000	SY	\$ -
APM-004	Double Chip Seal - #57 w/#89 Granite	50,001 +	SY	\$ -
APM-005	Full Depth Reclamation / 6"-9"	10,000 to 50,000	SY	\$ -
APM-005	Full Depth Reclamation / 6"-9"	50,001 +	SY	\$ -
APM-006	Full Depth Reclamation / 9-12	10,000 to 50,000	SY	\$ -
APM-006	Full Depth Reclamation / 9-12	50,001 +	SY	\$ -
APM-006a	Cement for Reclamation	1	TN	\$ -
APM-006b	Emulsion for Reclamation	1	Gal	\$ -
APM-007	RAP PLACEMENT	10,000 to 50,000	SY	\$ -
APM-007	RAP PLACEMENT	50,001 +	SY	\$ -
APT-001	Crack Filling / Sealing	1-1000	Gal	\$ -
APT-001	Crack Filling / Sealing	1001-3000	Gal	\$ -
APT-001	Crack Filling / Sealing	3001+	Gal	\$ -
SLUR-001	Slurry Seal	10,000 to 50,000	SY	\$ -
SLUR-001	Slurry Seal	50,001 +	SY	\$ -

<i>HOT-IN-PLACE (with Virgin Top Course) Asphalt Recycling</i>				
<i>Item</i>	<i>Item Description</i>	<i>Estimated Quantity</i>	<i>Unit of Measure</i>	<i>Unit Price</i>
HIPR- Recy	Asphalt Recycling	10,000 to 50,000	SY	\$ -
HIPR-AGENT	Recycling Agent	10,000 to 50,000	Gal	\$ -
HIPR- Recy	Asphalt Recycling	50,001 +	SY	\$ -
HIPR-AGENT	Recycling Agent	50,001 +	Gal	\$ -

<i>324 HOT-IN-PLACE (100%) Asphalt Recycling</i>				
<i>Item</i>	<i>Item Description</i>	<i>Estimated Quantity</i>	<i>Unit of Measure</i>	<i>Unit Price</i>
HIPR Base	Base Course HIPR	10,000 to 50,000	SY	\$ -
HIPR Base	Base Course HIPR	50,001 +	SY	\$ -
HIPR Complete	2" Complete HIPR	10,000 to 50,000	SY	\$ -
HIPR Complete	2" Complete HIPR	50,001 +	SY	\$ -
HIPR-AGENT-100%	Asphalt Recycling Agent	10,000 to 50,000	Gal	\$ -
HIPR-AGENT-100%	Asphalt Recycling Agent	50,001 +	Gal	\$ -

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IN WITNESS WHEREOF, this First Amendment of the Agreement has been signed and sealed, in duplicate, by the respective parties hereto. Each individual signing this Amendment directly and expressly warrants that he/she has been given and has received and accepted authority to sign and execute the Amendment on behalf of the party for whom it is indicated he/she has signed, and further has been expressly given and received and accepted authority to enter into a binding amendment on behalf of such party with respect to the matters contained herein and as stated herein.

DATED 9/24/2025 | 1:22 PM EDT by the Lee County Board of County Commissioners.

COUNTY: LEE COUNTY, FLORIDA

DocuSigned by:

Robert Price

BY: EE2484E86D8A41D...

Robert Price

Director, Department of Transportation, on
behalf of the Board of County
Commissioners

APPROVED as to Form for the Reliance of
Lee County Only

Signed by:

Joseph A. Adams

BY: DCCFDFED4580467...

County Attorney's Office

DATED this 18th day of September, 2025 by Russ Berner Construction, Inc.

ATTEST:

Julian G. Fubugh
(Witness)

BY: *[Signature]*
Authorized Signature

Emily Berner

Authorized Signature Printed Name

Secretary

Authorized Signature Title

CORPORATE SEAL: