

FIRST AMENDMENT OF AGREEMENT FOR CUMMINS OEM PARTS FOR LEETRAN

THIS FIRST AMENDMENT OF THE AGREEMENT FOR CUMMINS OEM PARTS FOR LEETRAN, made and entered into by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and Cummins, Inc. ("Vendor"), collectively, the "Parties."

WHEREAS, the County entered into an Agreement for the purchase of Original Equipment Manufacturer (OEM) Cummins parts through Solicitation B220402LLP with Vendor on the 26<sup>th</sup> day of December, 2022 ("Agreement"); and,

WHEREAS, after the execution of the agreement, it was determined that it would be in the best interest of the County to allow the contract to be used by departments other than LeeTran; and,

WHEREAS, pursuant to Article XV. MISCELLANEOUS of the Agreement, the Parties desire to modify the EXHIBIT A. SCOPE OF WORK AND SPECIFICATIONS of the Agreement, to permit other departments in Lee County to utilize the Agreement and the pricing discounts in the EXHIBIT B. FEE SCHEDULE 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 immediately upon full execution of this Amendment, all parties within Lee County may order from the Agreement and utilize the price discounts listed in the EXHIBIT B. FEE SCHEDULE of the Agreement.
2. The Parties agree that, effective immediately upon full execution of this Amendment, Section 5. PRODUCT DELIVERY of the EXHIBIT A. SCOPE OF WORK AND SPECIFICATIONS of the Agreement shall be superseded by:

## **5. PRODUCT DELIVERY**

5.1 The Vendor shall deliver, or arrange for delivery, of all parts procured by the County under this Agreement. Parts shall be delivered F.O.B. destination; packaging, shipping, handling, fuel surcharges and delivery included, with inside delivery. Quantities or orders may vary from order to order.

5.2 The delivery location for LeeTran orders shall be the following:

- LeeTran Headquarters: 3401 Metro Parkway, Fort Myers, FL 33901
- LeeTran will accept deliveries Monday through Friday from 7:00 A.M. to 7:00 P.M.; and Saturday 7:00 A.M. to 3:00 P.M.

5.3 The delivery location for all other department orders shall be provided by the County when orders are placed:

5.4 The Vendor shall adhere to the following specifications for delivery of parts to the County under this Agreement:

5.4.1 Should the Vendor not be able to deliver an order at the time specific, or within a reasonable period, thereafter, as determined by the County at time of notification of delay, or should the Vendor fail to make timely replacement of rejected items when so requested, the County may purchase items of comparable quality in the open market to replace the rejected or undelivered items. The Vendor shall reimburse the County for all costs above the contract price when purchases are made in the open market.

5.4.2 All backorders shall be shipped upon availability. Shipping of any individual backorder shall not be delayed shipping item with a group or other items.

5.4.3 No payment shall be made for materials ordered without proper purchase order authorization. Payment cannot be made until materials, goods, or services have been received and accepted by the County in the quality and quantity ordered.

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B220402LLP  
Cummins OEM Parts for LeeTran  
Cummins, Inc. - Amendment No. 1

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 8/5/2025 | 2:30 PM EDT by the Lee County Board of County Commissioners.

COUNTY: LEE COUNTY, FLORIDA

DocuSigned by:  
*Robert Codie*  
BY: DB13981AE52C4B3...  
Robert Codie  
Assistant County Manager, on behalf of the  
Board of County Commissioners

APPROVED as to Form for the Reliance of  
Lee County Only

DocuSigned by:  
*Amanda L. Swindle*  
BY: EC9B5A5584DD473...  
County Attorney's Office

DATED this 15th day of July, 2025 by Cummins, Inc.

ATTEST:

BY: *Kathleen Bryant*  
Authorized Signature

*Lauren Hall*  
\_\_\_\_\_  
(Witness)

Kathleen Bryant  
\_\_\_\_\_  
Authorized Signature Printed Name

Bids and Contracts Manager  
\_\_\_\_\_  
Authorized Signature Title

CORPORATE SEAL: