

FIRST AMENDMENT OF ANNUAL AGREEMENT FOR  
FLOORING PRODUCTS AND INSTALLATION SERVICES

THIS FIRST AMENDMENT OF ANNUAL AGREEMENT FOR FLOORING PRODUCTS AND INSTALLATION SERVICES, made and entered into by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and Tarkett USA Inc., ("Vendor"), collectively, the "Parties."

WHEREAS, the County entered into an Agreement for the purchase of flooring products and installation services, through Solicitation Number B210031MIF with Vendor on the 13<sup>th</sup> day of September, 2021, ("Agreement"); and,

WHEREAS, Section 5. INDIVIDUAL PROJECT AWARDS of the SPECIAL CONDITIONS section of the Exhibit A. SCOPE OF WORK AND SPECIFICATIONS of the Agreement establishes that any project/task over \$25,000.01, but less than \$200,000.00, shall be quoted by a minimum of three (3) approved vendors holding a valid contract under this Solicitation, and the County retains the right to separately and competitively bid any and all job estimates greater than \$200,000.00; and,

WHEREAS, after the execution of the Agreement the County issued Lee County Ordinance No. 22-06, which increased the threshold for Construction – Competitive Procurement from \$200,000.00 to \$300,000.00; and,

WHEREAS, pursuant to Article XV. MISCELLANEOUS of the Agreement, the Parties desire to modify the Agreement to increase the threshold for project/tasks and separately bid projects to \$300,000.00 to comply with Lee County Ordinance No. 22-06.

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

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1. Section 5. INDIVIDUAL PROJECT AWARDS of the SPECIAL CONDITIONS section of the Exhibit A. SCOPE OF WORK AND SPECIFICATIONS of the Agreement shall be superseded by:

**5. INDIVIDUAL PROJECT AWARDS**

- 5.1 Any project/task with a total cost of **\$25,000.00 or less** may be awarded to any Vendor holding a valid contract under this bid, and able to meet the required schedule.
- 5.2 Any project/task with a total cost between **\$25,000.01, but less than \$300,000.00** the County shall be quoted by a minimum of **three (3) approved Vendors** holding a valid contract under this Solicitation. If there are fewer than three (3) approved Vendors holding a valid contract under this Solicitation, then all the Vendors shall quote the project/task. When quotes are requested, the Contractor's submittal shall be based on the unit prices contracted, or lower prices. The quote shall not list any prices that are higher. Award of the project shall be made to the Vendor holding a valid contract under the Solicitation, with the lowest quoted price, able to meet the required project schedule.
- 5.3 The County retains the right to select any vendor to whom a multiple-vendor award has been made.
- 5.4 The County retains the right to bid separately and competitively any and all job estimates **greater than \$300,000.00**.
- 5.5 The Vendor shall provide quotes for all products and services as requested by the County. The County's request for a quote does not authorize or otherwise guarantee issuance of a project/task for the work.
- 5.6 The Vendor's quote for each project/task negotiated shall provide, at a minimum:
  - Project Detailed Scope of Work
  - Itemized pricing for removal, installation of product, quantity of product, reflect contracted fee or discount details, extra services necessary to complete project.
  - Anticipated schedule/term required/requested to complete services.

[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 4/1/2024 | 12:25 PM EDT by the Lee County Board of County Commissioners.

COUNTY: LEE COUNTY, FLORIDA

DocuSigned by:  
Mary G Tucker  
BY: 770F0BDB59DA44D...  
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

DocuSigned by:  
Robert Holborn  
BY: 0709AF6D28494C8...  
County Attorney's Office

DATED this 27 day of March, 2024 by Tarkett USA Inc.

ATTEST:

BY: [Signature]  
Authorized Signature

Treasia A. Hall  
(Witness) Treasia Hall

Rusty Joyce  
Authorized Signature Printed Name

President Commercial  
Authorized Signature Title

CORPORATE SEAL: