

FIRST AMENDMENT OF AGREEMENT FOR PAINT  
AND PAINT CONTRACTOR SERVICES

THIS FIRST AMENDMENT OF AGREEMENT FOR PAINT AND PAINT CONTRACTOR 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 Xcel Painting, Inc. ("Vendor"), collectively, the "Parties."

WHEREAS, the County executed an Agreement for the purchase of paint and paint contractor services through Solicitation RFP170458LKD with Vendor on the 28<sup>th</sup> day of March, 2018 ("Agreement");

WHEREAS, the County has modified its notice procedures for the types of services performed under the Exhibit B Fee Schedule of this Agreement; and,

WHEREAS, the Parties desire to raise the bond requirement in the Exhibit A Detailed Scope of Work from \$100,000.00 to \$200,000.00; and,

WHEREAS, the Parties desire to update the Agreement with the correct terminology pursuant to Article XVI. MISCELLANEOUS of the Agreement.

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

1. The entirety of the section titled "Notice to Proceed (NTP)" in the Exhibit B Fee Schedule shall be superseded by:

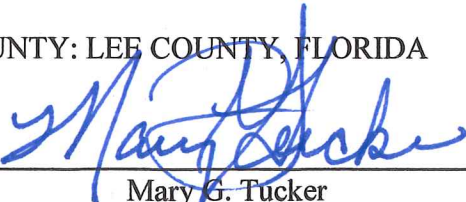
**"3. Notice Procedures**

3.1 Unless otherwise stated in the purchase order, all projects shall use the date indicated in the purchase order as the notice to proceed date. The start date and the number of calendar days to complete the project must be included on the purchase order. If the start date is left off the purchase order, then the date of the purchase order approval shall default as the notice to proceed start date and the default date for completion of services shall be the 20th calendar day after the start date."

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

DATED this 25 day of January, 2019 by the Lee County Board of County Commissioners.

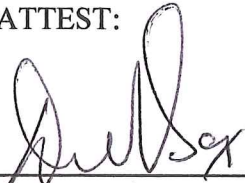
COUNTY: LEE COUNTY, FLORIDA


BY:   
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:   
County Attorney's Office

DATED this 1ST day of JANUARY 2019 by Xcel Painting, Inc.

ATTEST:  
  
(Witness)

BY:   
Authorized Signature

GABRIELIAN C. JAY  
Authorized Signature Printed Name

PRESIDENT  
Authorized Signature Title

CORPORATE SEAL:

