

**FIRST AMENDMENT OF THE AGREEMENT FOR
ENVIRONMENTAL MAINTENANCE SERVICES (EXOTIC PLANT CONTROL)**

THIS FIRST AMENDMENT OF THE AGREEMENT FOR ENVIRONMENTAL MAINTENANCE SERVICES (EXOTIC PLANT CONTROL), is made and entered by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and EarthBalance Corporation ("Vendor"), collectively, the "Parties."

WHEREAS, the County entered into an Agreement for environmental maintenance services, Contract No. 8164, through Solicitation No. RFP180418JJB with Vendor on the 15th day of November, 2018 ("Agreement"); and,

WHEREAS, Exhibit A, Scope of Services to the Agreement establishes that no County Project Authorization (CPA) issued under the Agreement shall exceed \$500,000.00; and,

WHEREAS, State law limits individual projects issued under contracts without an established fee schedule to less than \$300,000.01, and the Agreement does not include a fee schedule; and,

WHEREAS, Exhibit A Scope of Services establishes that a payment and performance bond is required for any CPA over \$100,000.00; and,

WHEREAS, Lee County Ordinance 18-22 set the bonding threshold at \$200,000.00; and,

WHEREAS, pursuant to Article XVII. Miscellaneous of the Agreement, the Parties desire to modify the CPA limit established by the Agreement to comply with State law, and modify the bond requirement threshold to \$200,000.00.

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

1. The clause "Each CPA will not exceed \$500,000.00. The County will separately and competitively bid any and all job estimates greater than \$500,000.00 when the County decides, in its sole discretion, it is in the best interest of the County or project." in Exhibit A Scope of Services, General section shall be superseded by: "Each CPA will not exceed \$300,000.00. The County will separately and competitively bid any and all job estimates greater than \$300,000.00 when the County decides, in its sole discretion, it is in the best interest of the County or project."
2. The clause "Any project \$50,000.00 or less may be awarded to any firm holding a valid contract under this Solicitation and who is able to meet the required schedule. Any project over \$50,000.00 but less than \$500,000.01 must be quoted by a minimum of three (3) awarded firms holding a valid contract under this Solicitation. The firm with the lowest price and that can meet the schedule will be awarded the project via a CPA." in Exhibit A Scope of Services, General section shall be superseded by: "Any project \$50,000.00 or less may be awarded to any firm holding a valid contract under this Solicitation and who is able to meet the required schedule. Any project over \$50,000.00 but less than \$300,000.01 must be quoted by a minimum of three (3) awarded firms holding a valid contract under this Solicitation. The firm with the lowest price and that can meet the schedule will be awarded the project via a CPA."
3. The clause "Any CPA over \$100,000.00 must provide a payment and performance bond." In Exhibit A Scope of Services, General section shall be superseded by: "A payment and performance bond shall be required for any CPA of \$200,000.00 or more."

[The remainder of this page intentionally left blank.]

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

DATED this 6 day of March, 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 22nd day of February, 2019 by EarthBalance Corporation

ATTEST:

BY: 

Authorized Signature



(Witness)

Sarah J. Laroque
Authorized Signature Printed Name

President / CEO
Authorized Signature Title

CORPORATE SEAL:

