

FIRST AMENDMENT OF AGREEMENT FOR UNDERGROUND UTILITY,  
WATER AND WASTEWATER PLANT CONSTRUCTION SERVICES

THIS FIRST AMENDMENT OF THE AGREEMENT FOR UNDERGROUND UTILITY, WATER AND WASTEWATER PLANT CONSTRUCTION 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 Cabana Construction of SWFL, Inc. ("Contractor"), collectively, the "Parties."

WHEREAS, the County entered into an Agreement for the purchase of construction services related to the repair, replacement and installation of various types of field and plant projects throughout the County, through Solicitation Number RFP190023ANB with Contractor on the 9<sup>th</sup> day of December, 2019, ("Agreement"); and,

WHEREAS, Exhibit A, Scope of Services to the Agreement establishes any projects \$50,000.00 or less may be awarded to any Contractor holding a valid contract under this Bid and able to meet the required schedule meeting the County's available budget; and,

WHEREAS, Exhibit A, Scope of Services to the Agreement establishes any projects over \$50,000.00 but less than \$500,000.00 must be quoted by a minimum of 3 awarded Contractors holding a valid contract under this Bid, before award of the County Project Authorization; and,

WHEREAS, it was discovered after the execution of the Agreement, that it would be in the best interest of the County for all projects to be quoted by a minimum of three (3) awarded Contractors under the Contract; and,

WHEREAS, the Parties desire to modify the Agreement pursuant to Article XVII. MISCELLANEOUS of the Agreement.

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

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1. Exhibit A. SCOPE OF SERVICES, Subsection B. Award of County Project Authorizations, shall be superseded by:

- **“Each project/task order will not exceed \$500,000.00.**
- Any project/task order must be quoted by a **minimum of 3 awarded Contractors** holding a valid contract under this Bid.
- Any project/task order **over \$200,000.00** must provide a payment and performance bond.
- No Contractor will be paid more than **\$4,000,000.00 per year.**
- **Notice to Proceed (NTP)**
  - All project/task order will have a **formal NTP issued through the Procurement Management Division.**
- The County retains the right to select any Contractor to whom a multiple-Contractor award has been made.
- The County retains the right to separately and competitively bid any and all job estimates greater than \$500,000.00.”

2. Exhibit B. FEE SCHEDULE, shall be superseded by:

“Payment for actual work completed shall be made in accordance with the terms of this Agreement and any County Project Authorizations issued hereunder. All project pricing shall be determined by the rates established by the Contractor’s quote.”

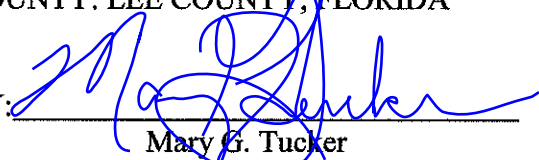
3. Exhibit B – Attachment 1 shall be removed and have no legal force or effect; all project costs shall be determined by the quote received from the awarded Contractor.

[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 23 day of October, 2020 by the Lee County Board of County Commissioners.

COUNTY: LEE COUNTY, FLORIDA

BY:   
Mary G. Tucker

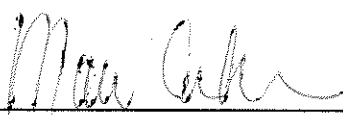
Director of Procurement Management, on behalf of the Board of County Commissioners

APPROVED as to Form for the Reliance of Lee County Only

BY:   
County Attorney's Office

DATED this 1 day of OCT, 2020 by Cabana Construction of SWFL, Inc.

ATTEST:

  
(Witness)

BY:   
Authorized Signature

KENNETH J. CABANA  
Authorized Signature Printed Name

PRESIDENT  
Authorized Signature Title

CORPORATE SEAL: