

FIRST AMENDMENT TO CONTRACT NO. 2023-28 FOR ROAD REHABILITATION PROJECT

This *First Amendment to Contract No. 2023-28 for Road Rehabilitation Project* ("First Amendment"), is made and entered into by and between the City of North Port, Florida, a municipal corporation of the State of Florida and whose address is 4970 City Hall Boulevard, North Port, Florida 34286 ("City") and Preferred Materials, Inc, which is registered to conduct business in the State of Florida and whose address is 4636 Scarborough Drive, Lutz, Florida 33559 ("Contractor").

RECITALS

WHEREAS, on or around September 26, 2023, the parties entered into Contract No. 2023-28 for Road Rehabilitation Project (the "Original Contract"); and

WHEREAS, the parties mutually desire to amend the Original Contract to add Hampshire Circle, South Salford Subdivision, Toledo Blade Boulevard Phase III, and Tilhal Terrace; and to increase the contract price \$3,724,860.26; and

WHEREAS, all roads originally identified in Phase I have been completed and Contractor has agreed as a part of Phase II to complete additional road segments under the terms of the original Contract; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, the sufficiency and receipt of which are acknowledged, the parties agree that the Original Contract is amended as follows, with all other terms in the Original Contract remaining unchanged and in full force and effect:

1. EFFECT OF AMENDMENT/EFFECTIVE DATE

- A. The parties ratify the terms and conditions of the Original Contract not inconsistent with this First Amendment, all of which are incorporated by reference as if set forth fully herein. This First Amendment modifies the sections of the Original Contract as identified herein. Where a section of the Original Contract is not identified, the terms as they appear in the Original Contract remain and apply.
- B. All references to this "Contract" in the Original Contract and this First Amendment mean and include both the Original Contract and this First Amendment.
- C. This First Amendment is effective as of the date the last party approves or executes it, as applicable (the "Effective Date"), and shall continue as otherwise provided in the Original Contract.

2. ORIGINAL CONTRACT SECTION 1 – CONTRACT TIMING.

Section 1B(2) of the Original Contract is amended in its entirety to read as follows:

(2) Contract Time. Following the Effective Date of this First Amendment, the Contractor specifically agrees that it will commence operations within a mutually agreed upon time following notification by the City to commence work (“Notice to Commence Work, First Amendment”). All work performed under the provisions of this Contract must be completed no later than five hundred seventy (570) calendar days from the notice to proceed, subject only to delays caused through force majeure. City holidays will be counted as calendar days. The work must be substantially completed no later than four hundred twenty (420) calendar days from the notice to proceed, with final completion with one hundred fifty (150) days after attaining substantial completion or after delivery to the Contractor of the punch list of items for final completion, whichever is later (“Contract Time”). The Contract Time includes the preparation, submittal, review, and approval of submittals, delivery of materials, and construction, assembly, adjustment, and placement into service for beneficial use of all facilities covered under this Contract.

3. ORIGINAL CONTRACT SECTION 2 - CONTRACT PRICE.

Section 2 of the Original Contract is amended in its entirety to read as follows:

The Contract Price is Eight Million One Hundred Twenty-Two Thousand Four Hundred Five and Six Cents (\$8,122,405.06).

4. ORIGINAL CONTRACT SECTION 3 - SCOPE OF WORK.

Section 3A of the Original Contract is amended to add to this Contract and read as follows:

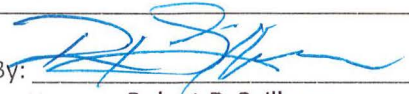
Attachment for Contractor’s Proposal Dated December 27, 2023.

5. NEW ATTACHMENT – CONTRACTOR’S PROPOSAL DATED DECEMBER 27, 2023.

Attachment for Contractor’s Proposal dated December 27, 2023, attached, is hereby added as a new attachment, and is incorporated as if set forth in the Contract.

IN WITNESS WHEREOF, the parties have executed this First Amendment as follows.

Preferred Material, Inc.

By: 
Name: Robert D. Spillman
Title: Vice President/GM

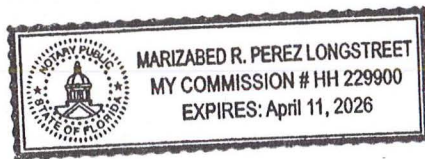
ACKNOWLEDGEMENT

STATE OF Florida
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 30th day of Januart 2024 by Robert D. Spillman (name), as Vice President/GM (title) for Preferred Materials, Inc. (entity).


Notary Public

X Personally Known OR ___ Produced Identification
Type of Identification Produced _____



Approved by the City Commission of the City of North Port, Florida on February 27, 2024.

CITY OF NORTH PORT, FLORIDA

A. JEROME FLETCHER II, ICMA-CM, MPA
CITY MANAGER

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY



Preferred Materials, Inc.
18080 Green Meadow Road
Fort Myers, FL 33913

www.preferredmaterials.com

John Mills
Project Administrator
Engineer I
Department of Public Works
City of North Port

Dear Mr. Mills,

We have reviewed all the documentation regarding the extra work being proposed under the current contract (2023-28) our quote is outlined below with the following attachments going into further detail.

Toledo Blade Ph 3 - \$1,088,155.25
Hampshire Circle - \$952,363.07
Tilhal Terrace - \$511,481.32
Salford Subdivision - \$772,860.62

Grand Total - \$3,324,860.26

On the following sheets only units denoted with "LS" are considered to be Lump Sum items.

Sincerely,

Larry C Stesprit Digitally signed by Larry C
Stesprit
Date: 2024.01.04 09:28:58 -05'00'

Larry "Chad" St. Esprit
Project Manager
Preferred Materials, Inc.
Asphalt Division



A CRH COMPANY

**BID SCHEDULE 2022/23 TOLEDO BLADE PHASE III, AMENDMENT 1
ENGINEER'S ESTIMATED SUMMARY OF PAY ITEMS**

Item Description	Unit	Qty	Unit Price	Total Qty
1) Mobilization		1	Included in MOT	
2) M.O.T.				
M.O.T. Maintenance	LS	1	\$190,410.75	\$190,410.75
3) Resurfacing				
a. Type FC 9.5 (Traffic C) (1") (PG 76-22)	TN	2,747	\$186.68	\$512,809.96
b. Asphalt Base Course (Type B 12.5 or SP 12.5)	TN	50	\$367.88	\$18,394.00
c. Sediment Barrier (staked silt fence)	LF	31,000	\$1.47	\$45,570.00
d. Penetrant Sealer	GL	208	\$68.82	\$14,314.56
e. Cleaning and Sealing Concrete Surfaces	SF	36,157	\$0.54	\$19,524.78
f. Portland Cement Concrete Horizontal Repair	EA	200	\$325.15	\$65,030.00
g. Pourable Joint Sealant	LF	1,000	\$29.05	\$29,050.00
4) Asphalt Removal & Disposal				
Milling (0-1")	SY	49,930	\$2.17	\$108,348.10
5) Road Striping				
a. 6" Yellow [skip]	LF	306	\$1.30	\$397.80
b. 6" Solid Yellow	LF	13,906	\$1.10	\$15,296.60
c. 6" Solid White	LF	17,428	\$1.10	\$19,170.80
d. 6" White (skip)	LF	3,520	\$1.30	\$4,576.00
e. Double Yellow	LF	253	\$2.20	\$556.60
f. Stop Bar	EA	6	\$75.00	\$450.00
g. Turn Arrow	EA	25	\$65.00	\$1,625.00
h. Crosswalk	EA	0		\$0.00
i. School Symbol	EA	0		\$0.00
j. Yellow Island Nose	SF	90	\$3.25	\$292.50
k. RPM's	EA	1,332	\$8.67	\$11,548.44
6) Survey				
Restore Existing PCPs & Ref Points	EA	0		\$0.00
10) Sod/Restoration				
a. Performance Turf	SY	5,166	\$5.96	\$30,789.36
SUB-TOTAL BID PRICE (ITEMS 1-10)				\$1,088,155.25



**BID SCHEDULE 2022/23 HAMPSHIRE CIRCLE, AMENDMENT 1
ENGINEER'S ESTIMATED SUMMARY OF PAY ITEMS**

Item Description	Unit	Qty	Unit Price	Total Qty
1) Mobilization		1	Included in MOT	
2) M.O.T.				
M.O.T. Maintenance	LS	1	\$125,812.03	\$125,812.03
3) Resurfacing				
a. Type SP 9.5 (Traffic C) (1 1/2") (Trackless)	TN	4,447	\$147.26	\$654,865.22
b. Asphalt Base Course (Type B 12.5 or SP 12.5)	TN	100	\$317.40	\$31,740.00
c. Sediment Barrier (staked silt fence)	LF	0		\$0.00
d. Penetrant Sealer	GL	0		\$0.00
e. Cleaning and Sealing Concrete Surfaces	SF	0		\$0.00
f. Portland Cement Concrete Horizontal Repair	EA	0		\$0.00
g. Pourable Joint Sealant	LF	0		\$0.00
4) Asphalt Removal & Disposal				
a. Milling (0-1 1/2")	SY	53,903	\$1.17	\$63,066.51
b. Clear & Grub	LS	1	\$69,193.41	\$69,193.41
5) Road Striping				
a. 6" Yellow [skip]	LF	0		\$0.00
b. 6" Solid Yellow	LF	0		\$0.00
c. 6" Solid White	LF	0		\$0.00
d. 6" White (skip)	LF	0		\$0.00
e. Double Yellow	LF	0		\$0.00
f. Stop Bar	EA	2	\$70.45	\$140.90
g. Turn Arrow	EA	0		\$0.00
h. Crosswalk	EA	0		\$0.00
i. School Symbol	EA	0		\$0.00
6) Survey				
Restore Existing PCPs & Ref Points	EA	50	\$150.90	\$7,545.00
10) Sod/Restoration				
a. Performance Turf	SY	0		\$0.00
SUB-TOTAL BID PRICE (ITEMS 1-10)				\$952,363.07



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BID SCHEDULE 2022/23 TILHAL TERRACE, AMENDMENT 1

ENGINEER'S ESTIMATED SUMMARY OF PAY ITEMS

Item Description	Unit	Qty	Unit Price	Total Qty
1) Mobilization		1	Included in MOT	
2) M.O.T.				
M.O.T. Maintenance	LS	1	\$85,604.83	\$85,604.83
3) Resurfacing				
a. Type SP 9.5 (Traffic C) (1.75") (Trackless)	TN	1,806	\$173.84	\$313,955.04
b. Asphalt Base Course (Type B 12.5 or SP 12.5)	TN	68	\$367.88	\$25,015.84
c. Sediment Barrier (staked silt fence)	LF	0		\$0.00
d. Penetrant Sealer	GL	0		\$0.00
e. Cleaning and Sealing Concrete Surfaces	SF	0		\$0.00
f. Portland Cement Concrete Horizontal Repair	EA	0		\$0.00
g. Pourable Joint Sealant	LF	0		\$0.00
4) Asphalt Removal & Disposal				
a. Milling (0-1")	SY	18,764	\$1.49	\$27,958.36
b. Clear & Grub	LS	1	\$58,947.25	\$58,947.25
5) Road Striping				
a. 6" Yellow [skip]	LF	0		\$0.00
b. 6" Solid Yellow	LF	0		\$0.00
c. 6" Solid White	LF	0		\$0.00
d. 6" White (skip)	LF	0		\$0.00
e. Double Yellow	LF	0		\$0.00
f. Stop Bar	EA	0		\$0.00
g. Turn Arrow	EA	0		\$0.00
h. Crosswalk	EA	0		\$0.00
i. School Symbol	EA	0		\$0.00
6) Survey				
Restore Existing PCPs & Ref Points	EA	0		\$0.00
10) Sod/Restoration				
a. Performance Turf	SY	0		\$0.00
SUB-TOTAL BID PRICE (ITEMS 1-10)				\$511,481.32



A CRH COMPANY

**BID SCHEDULE 2022/23 SALFORD SUBDIVISION, AMENDMENT 1
ENGINEER'S ESTIMATED SUMMARY OF PAY ITEMS**

Item Description	Unit	Qty	Unit Price	Total Qty
1) Mobilization		1	Included in MOT	
2) M.O.T.				
M.O.T. Maintenance	LS	1	\$107,709.49	\$107,709.49
3) Resurfacing				
a. Type SP 9.5 (Traffic C) (1 1/2") (Trackless)	TN	3,318	\$147.26	\$488,608.68
b. Asphalt Base Course (Type B 12.5 or SP 12.5)	TN	150	\$255.53	\$38,329.50
c. Sediment Barrier (staked silt fence)	LF	0		\$0.00
d. Penetrant Sealer	GL	0		\$0.00
e. Cleaning and Sealing Concrete Surfaces	SF	0		\$0.00
f. Portland Cement Concrete Horizontal Repair	EA	0		\$0.00
g. Pourable Joint Sealant	LF	0		\$0.00
4) Asphalt Removal & Disposal				
Milling (0-1 1/2")	SY	41,644	\$2.95	\$122,849.80
5) Road Striping				
a. 6" Yellow [skip]	LF	0		\$0.00
b. 6" Solid Yellow	LF	0		\$0.00
c. 6" Solid White	LF	0		\$0.00
d. 6" White (skip)	LF	0		\$0.00
e. Double Yellow	LF	0		\$0.00
f. Stop Bar	EA	11	\$70.45	\$774.95
g. Turn Arrow	EA	0		\$0.00
h. Crosswalk	EA	7	\$704.48	\$4,931.36
i. School Symbol	EA	0		\$0.00
j. RPM's	EA	458	\$8.67	\$3,970.86
6) Survey				
Restore Existing PCPs & Ref Points	EA	22	\$150.09	\$3,301.98
10) Sod/Restoration				
a. Performance Turf	SY	400	\$5.96	\$2,384.00
SUB-TOTAL BID PRICE (ITEMS 1-10)				\$772,860.62

Budgeted Amount		\$ 11,065,860.14
Prefered Materials 2023-28	\$ 4,397,544.80	
Contingency	\$ 791,558.06	
TOTAL Initial Agreement	<u>\$ 5,189,102.86</u>	<u>\$ 5,189,102.86</u>
Budget Balance		\$ 5,876,757.28
Hampshire	\$ 952,363.07	
Salford	\$ 772,860.62	
TB III	\$ 1,088,155.25	
Tilhal	\$ 511,481.32	
Utility Conflict	\$ 200,000.00	
Gopher Tortoise Protection	\$ 200,000.00	
Quote Total	<u>\$ 3,724,860.26</u>	
Contingency (18%)	<u>\$ 670,474.85</u>	
Amendment Total	\$ 4,395,335.11	<u>\$ 4,395,335.11</u>
Budget Balance Following Proposed Amendment		<u>\$ 1,481,422.17</u>