

**AMENDMENT NO. 1
TO THE
CONTRACT AGREEMENT
ASPHALT RESURFACING AND RELATED ROADWAY IMPROVEMENTS
CONTRACT NO. 932A-H (F)/D**

This Amendment No. 1 is made on this day, Dec 5, 2022, (the "Effective Date") by and between **PRINCE GEORGE'S COUNTY, MARYLAND**, a body corporate and politic, hereinafter referred to as the "County", and **NZI Construction Corporation**, hereinafter referred to as the "Contractor", having a business address at **11601 Spruce Avenue, Beltsville, MD 20705**.

WHEREAS, the County and the Contractor entered into a Contract Agreement relative to Invitation for Bids No. 932A-H (F)/D, Asphalt Resurfacing and Related Roadway Improvements, dated October 5, 2020, and

WHEREAS, the parties desire to amend the Contract Agreement to modify the Time of Completion, and the Contract Price.

NOW THEREFORE, the parties agree as follows:


1. Article 2 of the Contract Agreement: Time of Completion is hereby modified as follows:
 - A. The first two sentences are modified to read as follows: "The initial contract term shall be for a minimum of two (2) – year period and shall be effective until the end of the second calendar year from the date of the signing of the contract. The contract may be extended for up to two (2) additional (1) year terms if it is in the best interest of the County." is changed to "The initial contract term was for two (2) years. By this amendment No. 1, this contract shall be extended by the first of the two (2) additional one (1) year periods provided."
2. Article 3 of the Contract Agreement: The Contract Price is hereby modified as follows:
 - A. The second sentence is modified to read as follows: "The County shall pay the Contractor (Subject to additions and deductions to reflect quantities of materials incorporated into the work and as specified herein as follows:

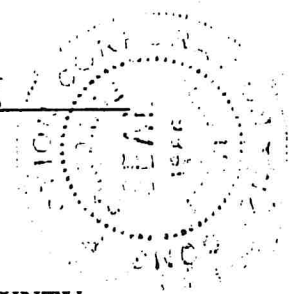
Fifteen Million, Seven Hundred Fourteen Thousand, One Hundred Nineteen Dollars and Twenty-Three Cents (\$15,714,119.23)
3. Article 1.31 of Part 1, Instructions to Bidders: Contract Rate Adjustment
 - A. The following paragraph is added to the referenced Article: "The Contract work item unit rates and quantities shall be modified as stated within Attachment A, for the same for the additional one (1) year period of the contract starting January 1, 2023, through December 31, 2023".

4. Except as expressly modified by the First Amendment, all terms and conditions in the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be signed and executed as of the Effective Date written above.

NZI CONSTRUCTION CORPORATION


Joaquim Nazario
President



**PRINCE GEORGE'S COUNTY,
MARYLAND**

Floyd E. Holt

Floyd E. Holt (Dec 5, 2022 14:41 EST)

Floyd E. Holt
Deputy Chief Administrative Officer for
Government Infrastructure, Technology, and the
Environment

**ATTACHMENT A: CONTRACT RATE/UNIT PRICE ADJUSTMENT PER AMENDMENT NO. 1
PRINCE GEORGE'S COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION**

	Contract No.: 932A-H (F) / D
Date of Contract Rate Adjustment: August 29, 2022	Date of Contract: October 5, 2020
Name of Project: Asphalt Resurfacing and Related Roadway Improvements	

Between PRINCE GEORGE'S COUNTY, MARYLAND, 9400 Peppercorn Place, Largo, Maryland 20774
and NZI Construction Corporation, 11601 Spruce Avenue, Beltsville, MD 20705

FOR: Contract Amendment Work/Adjustment of Quantities to reflect actual quantities used and to reflect field conditions for:
"Contract Rate and Unit Price adjustment resulting in the exercising of option year 1".

THE CONTRACT IS AMENDED AS FOLLOWS:

The Contractor shall furnish all labor, equipment, materials, supervision and perform the following work:

The following Items are revised as noted:

Inc, Dec or New	Item No.	Item Description/Category	Unit	Unit Price	Unit Price Adjustment of 8.5%	Unit Price w/Adjustment of 8.5%	Bid Quantity	Authorized Quantity To Date	Change in Quantity This Change Order	Change in Cost This Change Order	Revised Contract Quantity	Revised Contract Cost
Inc	1001.01	4" Temporary Pavement Marking Tape	LF	\$1.25	0.106	1.356	15,000	15,000	15,000	\$ 20,343.75	30,000	\$ 39,093.75
Inc	1002.02	Five Inch (5") Non-Toxic Lead Free Waterborne Pavement Marking Paint (any color) - ten cents per Linear Foot	LF	\$1.25	0.106	1.356	15,000	35,600	15,000	\$ 20,343.75	50,600	\$ 64,843.75
Inc.	1003.01	Mobilization	LS	\$29,400.00	2,499.000	31,899.000	0	1		\$ -	1	\$ 29,400.00
Inc.	2002.01	Borrow Excavation	CY	\$35.00	2.975	37.975	0	100		\$ -	100	\$ 3,500.00
Inc.	2003.01	Test Pit Excavation	CY	\$150.00	12.750	162.750	0	20		\$ -	20	\$ 3,000.00
Inc.	2004.01	Removal and Disposal of Concrete Median and Island including Trees	LS	\$5,000.00	425.000	5,425.000	0	1		\$ -	1	\$ 5,000.00
Inc.	2005.01	Class 2 Excavation	CY	\$35.00	2.975	37.975	0	100		\$ -	100	\$ 3,500.00
Inc	3002.01	6" Dia PVC Underdrain Pipe	LF	\$30.00	2.550	32.550	5,000	5,000	4,000	\$ 130,200.00	9,000	\$ 280,200.00
Inc	3003.01	Perforated Polyvinyl Chloride (PVC) Underdrain Pipe, 6 Inch Diameter (Schedule 40)	EA	\$275.00	23.375	298.375	100	100	150	\$ 44,756.25	250	\$ 72,256.25
Inc	5001.01	Hot Mix Asphalt SUPERPAVE 12.5 MM, PG 70-22	TONS	\$80.00	6.800	86.800	18,500	18,500	18,500	\$ 1,605,800.00	37,000	\$ 3,085,800.00
Inc	5002.02	Hot Mix Asphalt SUPERPAVE 9.5 MM, PG 64-22	TONS	\$80.00	6.800	86.800	18,500	21,500	18,500	\$ 1,605,800.00	40,000	\$ 3,325,800.00
Inc.	5003.01	Hot Mix Asphalt SUPERPAVE 19 MM, PG 64-22, Low EASALS	TONS	\$125.00	10.625	135.625	0	300		\$ -	300	\$ 37,500.00
Inc	5004.01	Full Depth Patching	SY	\$60.00	5.100	65.100	24,000	24,000	24,500	\$ 1,594,950.00	48,500	\$ 3,034,950.00
Inc	5005.02	Milling Hot Mix Asphalt Pavement, One to Two Inch (1"-2")	SY	\$5.00	0.425	5.425	150,000	171,000	200,000	\$ 1,085,000.00	371,000	\$ 1,940,000.00
Inc	5006.01	Hot Mix Asphalt Speed Humps	EA	\$3,750.00	318.750	4,068.750	50	50	50	\$ 203,437.50	100	\$ 390,937.50
Inc.	5007.01	Remove and Replace Concrete Intersection Swale	SY	\$75.00	6.375	81.375	50	50	80	\$ 6,510.00	130	\$ 10,260.00
Inc.	5008.01	Remove and Replace Residential Driveway Entrances	SY	\$69.00	5.865	74.865	6,500	6,500	9,000	\$ 673,785.00	15,500	\$ 1,122,285.00
Inc	5010.01	Five Inch (5") Yellow Thermo-plastic Pavement Marking	LF	\$0.80	0.068	0.868	14,000	14,000	18,000	\$ 15,624.00	32,000	\$ 26,824.00
Inc	5011.01	Five Inch (5") White Thermo-plastic Pavement Marking	LF	\$0.80	0.068	0.868	14,000	14,000	18,000	\$ 15,624.00	32,000	\$ 26,824.00
Inc	5012.02	Twenty Four Inch (24") Wide Thermoplastic Stop Bars	LF	\$15.00	1.275	16.275	1,000	1,115	800	\$ 13,020.00	1,915	\$ 29,745.00
Inc	5013.01	Thermoplastic Pavement Marking Arrows or Letters	SF	\$20.00	1.700	21.700	600	600	500	\$ 10,850.00	1,100	\$ 22,850.00
Inc.	5014.01	Graded Aggregate Base Course 8" Lift	SY	\$26.00	2.210	28.210	0	500		\$ -	500	\$ 13,000.00
Inc	6001.02	Concrete Curb and Gutter	LF	\$30.00	2.550	32.550	18,500	19,300	24,500	\$ 797,475.00	43,800	\$ 1,376,475.00
Inc	6002.01	Concrete Header Curb up to 160Inch Height	LF	\$28.00	2.380	30.380	2,000	2,000	1,175	\$ 35,696.50	3,175	\$ 91,696.50
Inc	6003.02	Concrete Sidewalk	SF	\$6.50	0.553	7.053	35,000	36,000	35,000	\$ 246,837.50	71,000	\$ 480,837.50
Inc	6004.01	Concrete Handicap Access Ramp	SF	\$14.00	1.190	15.190	5,500	5,500	3,200	\$ 48,608.00	8,700	\$ 125,608.00
Inc	6005.01	Shoulder Restoration Using Recycled Material	SY	\$5.00	0.425	5.425	2,000	2,000	1,007	\$ 5,462.98	3,007	\$ 15,462.98
Inc	6006.02	Gate Controller	LS	\$66,420.00	5,645.700	72,065.700	0	1		\$ -	1	\$ 66,420.00
Inc	7001.01	Shoulder Restoration using Furnished Topsoil, Seed and Curlex Quick Grass	SY	\$8.00	0.680	8.680	3,000	3,000	2,500	\$ 21,700.00	5,500	\$ 45,700.00
Inc.	7002.01	Furnish and Place Topsoil - 3" Depth	SY	\$5.00	0.425	5.425	0	2,000		\$ -	2,000	\$ 10,000.00
Inc.	7003.01	Turfgrass Sod Establishment	SY	\$7.00	0.595	7.595	0	150		\$ -	150	\$ 1,050.00
Inc.	8001.01	Provide "Stop" Sign	EA	\$350.00	29.750	379.750	0	1		\$ -	1	\$ 350.00
Total Amount of this Amendment										\$ 8,201,824.23		

The Contractor shall perform all work in conjunction with the Contractor's original proposal dated May 20, 2020, Contract No. 932A-H (F) / D dated October 5, 2020; Change Order No. 1 dated June 24, 2021; and this Amendment No. 1 dated August 29, 2022.

The Contract time for performance is hereby adjusted by Three Hundred Sixty-Five (365) non-compensable calendar days as a result of this Amendment No. 1.

Contract Cost Summary

Original Contract Bid Price: \$7,003,650.00
 Amount of Change Order No. 1 \$ 508,645.00
 Amount of This Amendment No. 1 \$ 8,201,824.23
 New Total Contract Amount \$15,714,119.23

Contract Time Summary

Notice to Proceed Date 11/16/20
 Construction Start Date 12/01/20
 Number of Calendar Days in Contract 730
 Original Construction Completion Date 12/01/22
 Number of Calendar Days Added by CO # 1 0
 Number of Calendar Days Added by Amendment Number 1 365

SPECIAL TERMS AND CONDITIONS

Revised Construction Completion Date

12/01/23

- A. The Contractor shall coordinate all work with and shall contact Dwight Joseph, Chief, Construction and Contracts Division, at 301-883-5642, prior to starting any work authorized by this Amendment.
- B. The terms and conditions of this Amendment constitute a full accord and satisfaction between the County and the Contractor for all costs and time of performance related to the actions described or referenced herein. This Amendment No. 1 resolves all claims for delays, disruptions, escalation and extended cost arising out of or related to cost or time, whether known or unknown, asserted or unasserted.

Contract No. 932A-II (F) D - Amendment No. 1

All the work proposed herewith shall be done pursuant to the terms and conditions of the existing Contract between the County and the Contractor except as modified herein and the Contract remains in full force and effect.

NZI CONSTRUCTION CORPORATION

Josquin Nazario
 Josquin Nazario
 President

Date

11/29/22

PRINCE GEORGE'S COUNTY, MARYLAND

Floyd E. Holt
 Floyd E. Holt (Dec 5, 2022 14:41 EST)

Floyd E. Holt
 Deputy Chief Administrative Officer for Government Infrastructure,
 Technology & Environment

Dec 5, 2022

Date

Michael D. Johnson
 Reviewed and Approval Recommended
 Michael D. Johnson, P.E., Acting Director
 Department of Public Works and Transportation