

CM1081-A1

Contract No. CN08-13-01
Bid/Proposal No.: NC07-024

AMENDMENT NO. 1 OF THE
CONTRACT FOR COLD PLANT MIX

THIS ADDENDUM entered into this 19th day of November, 2008 by and between the **BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA**, a political subdivision of the State of Florida, (hereinafter referred to as "County") and **DUVAL ASPHALT PRODUCTS, INC**, 7544 Phillips Hwy., Jacksonville, Florida 32256, (hereinafter referred to as "Vendor").

WHEREAS, the parties entered into a contract, CN08-13, dated October 22, 2007 for the annual purchase of Cold Plant Mix on an as needed basis; and

WHEREAS, the original agreement provided for prices, submitted by Vendor on the Bid Price Sheet, for goods and services covered in the specifications to be firm for the period of the Contract, beginning from the date of execution and ending September 30, 2009. Cold Plant Mix per ton: (a) at plant site \$93.00; (b) F.O.B. Hilliard, Florida \$98.35; (c) F.O.B. Fernandina Beach, Florida \$98.50; and

WHEREAS, the Vendor has requested in writing a price increase adjustment in the amount of \$24.74 per ton of

delivered material due to a 243% increase in production costs between September of 2007 and August of 2008; and

WHEREAS, the contract provides language under Section 11 which allows for the contract to be modified within the scope of the contract upon the written and mutual consent of both parties; and

WHEREAS, the parties desire to amend said Contract.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

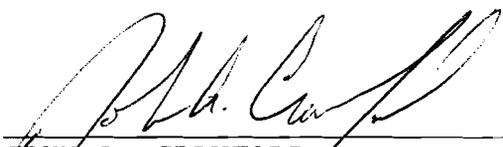
1. Section F. Bid Price Sheet shall be modified to reflect a price increase adjustment for Cold Plant Mix in the amount of \$23.00 per ton for pickup: (a) Price per Ton at Plant Site \$116.00; and \$24.74 per ton of delivered material: b) Price per Ton F.O.B. Hilliard, Florida \$123.09; (c) Price per Ton F.O.B. Fernandina Beach, Florida \$123.24.
2. The County reserves the right to request or the Vendor shall offer de-escalate pricing in the event that the Fuel & Bituminous Price Index decreases upon 30-days written notice of such de-escalation.
3. All other provisions of said Agreement not in conflict with this Addendum shall remain in full force and effect.

4. Time is of the essence.

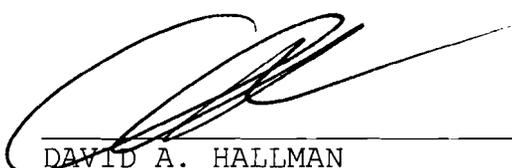
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


BARRY HOLLOWAY
Its: Chairman

ATTEST TO CHAIRMAN'S SIGNATURE


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality by the
Nassau County Attorney:


DAVID A. HALLMAN

[Vendor signature on next page]

DUVAL ASPHALT PRODUCTS, INC.

[Handwritten Signature]

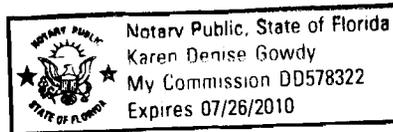
By: MICHAEL SWINDALE
Its: SALES MANAGER

STATE OF Florida
COUNTY OF Duval

Before me personally appeared,
Michael Swindale, who is personally known or
produced _____ as identification, known
to be the person described in and who executed the foregoing
instrument, and acknowledged to and before me that he/she
executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 8th day of
October, 2008.

Karen Denise Gowdy
Notary Signature



Notary-Public-State of Florida at large
My Commission expires: 7-26-2010



August 18, 2008

Charlotte Young
Nassau County Board of Commissioners
2496 Eastwood Rd.
Hilliard, FL 32046

Re: EZ Street Cold Asphalt Bid

Dear Charlotte:

We are requesting a price increase adjustment on contract # NC07-024, in the amount of \$24.74 per ton of delivered material. There has been a 243% increase in production costs between September of 2007, and August of 2008. Attached is the Florida Department of Transportation Fuel & Bituminous Price Index for the years 2005 through August 2008 to support these claims.

Historically, the index has never seen such volatility. Thank you for your prompt reply and resolution to this matter.

If you require any additional information, please feel free to contact me at (904) 296-2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Swindal".

Mike Swindal
Sales Director
EZ Street®

Fuel Table



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State Construction Office

Brian Blanchard: Director, Office of Construction

Fuel & Bituminous Price Index

All Contracts let January 2007 forward will receive a Bituminous Adjustment for Polymer PG78-22 [View Details](#)

The 2004, 2005, 2006, 2007 Gasoline/Diesel and Bituminous Fuel prices on this page are furnished pursuant to Section 9 of the Department of Transportation Specifications.

For assistance with Fuel and Bituminous Adjustments and calculations, please download and utilize any of the worksheets and forms available on the [Fuel and Bituminous Forms](#) page.

2008 Fuel & Bit Prices												
Gasoline and Diesel Fuels						Bituminous Materials						
2008	Regular Unleaded Gasoline		Number 2 Diesel, Low Sulfur		Asphalt Cement (AC-20/30)		Polymer Materials PG78-22		Cutback (RC-70)		Emulsified Asphalts (RS-1/RS-2)	
	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter
Jan	2.5376	0.6704	2.7374	0.7231	1.4136	0.3734	1.9734	0.5862	2.5650	0.6776	1.4525	0.3837
Feb	2.4338	0.6430	2.6733	0.7062	1.4948	0.3949	2.0904	0.5522	2.7975	0.7390	1.5800	0.4174
March	2.6899	0.7108	3.0689	0.8107	1.5392	0.4086	2.1490	0.5877	2.8676	0.7576	1.6850	0.4451
April	2.7118	0.7183	3.2510	0.8588	1.6486	0.4355	2.2022	0.5818	2.9125	0.7694	1.7300	0.4570
May	2.9423	0.7773	3.4270	0.9053	1.7748	0.4688	2.3362	0.6172	2.9725	0.7853	1.8660	0.4927
June	3.3891	0.8963	3.8998	1.0302	2.1003	0.5548	2.7404	0.7239	3.2375	0.8553	2.0925	0.5528
July	3.5106	0.9274	4.0404	1.0874	2.5707	0.6791	3.1915	0.8431	3.5050	0.9259	2.4850	0.6565
August	3.1435	0.8304	3.5818	0.9481	3.1413	0.8299	3.7234	0.9636	3.7550	0.9920	2.7350	0.7225
Sept												
Oct												
Nov												
Dec												

2007 Fuel & Bit Prices												
Gasoline and Diesel Fuels						Bituminous Materials						
2007	Regular Unleaded Gasoline		Number 2 Diesel, Low Sulfur		Asphalt Cement (AC-20/30)		NEW Polymer Materials PG78-22		Cutback (RC-70)		Emulsified Asphalts (RS-1/RS-2)	
	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter
Month												

Fuel Table

Jan	1.8048	0.4768	2.0108	0.5312	1.3306	0.3515	1.8404	0.4862	2.4800	0.6551	1.3725	0.3626
Feb	1.8149	0.4266	1.8042	0.4766	1.3192	0.3485	1.8404	0.4862	2.4650	0.6511	1.3575	0.3585
March	1.9583	0.5173	2.0037	0.5293	1.2539	0.3312	1.7553	0.4637	2.4400	0.6448	1.3325	0.3520
April	2.1273	0.5620	2.2634	0.5979	1.2405	0.3277	1.7647	0.4662	2.4300	0.6419	1.3250	0.3500
May	2.4234	0.6402	2.1308	0.5929	1.2231	0.3231	1.7511	0.4626	2.4225	0.6400	1.3175	0.3480
June	2.4055	0.6355	2.1383	0.5849	1.1993	0.3168	1.7054	0.4505	2.4225	0.6400	1.3075	0.3454
July	2.3170	0.6121	2.1972	0.5904	1.2201	0.3223	1.7479	0.4617	2.4726	0.6532	1.3275	0.3507
August	2.1733	0.6741	2.2725	0.6003	1.2679	0.3349	1.7713	0.4679	2.5100	0.6631	1.3500	0.3583
Sept	2.2211	0.5868	2.2658	0.5985	1.2892	0.3406	1.8298	0.4834	2.5100	0.6631	1.4125	0.3731
Oct	2.1635	0.5715	2.3552	0.6248	1.2450	0.3289	1.8246	0.4820	2.5100	0.6631	1.4125	0.3731
Nov	2.4415	0.6450	2.5863	0.6832	1.2593	0.3328	1.8404	0.4882	2.5100	0.6631	1.3925	0.3679
Dec	2.3305	0.6156	2.7291	0.7209	1.3204	0.3488	1.7746	0.4688	2.5225	0.6664	1.4075	0.3718

2006 Fuel & Bit Prices

2006	Gasoline and Diesel Fuels				Bituminous Materials					
	Regular Unleaded Gasoline		Number 2 Diesel, Low Sulfur		Asphalt Cement (AC-20/30)		Cutback (RC-70)		Emulsified Asphalts (RS-1/RS-2)	
Month	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter
Jan	1.7860	0.4718	1.8819	0.4971	0.9810	0.2592	1.8267	0.4826	0.8926	0.2358
Feb	1.8186	0.4804	1.9687	0.5201	1.0333	0.2730	1.8300	0.4834	0.9146	0.2416
March	1.7390	0.4594	1.9135	0.5055	1.2138	0.3207	1.9733	0.5213	0.9906	0.2617
April	2.0828	0.5502	2.0578	0.5438	1.2447	0.3288	2.0450	0.6402	1.0246	0.2707
May	2.1654	0.5773	2.2292	0.5889	1.4427	0.3611	2.4633	0.6507	1.0808	0.2855
June	2.1680	0.5780	2.2490	0.5941	1.5675	0.4141	2.7267	0.7203	1.4333	0.3788
July	1.9326	0.5105	2.0154	0.5324	1.6263	0.4296	2.8267	0.7467	1.5139	0.3998
August	2.3790	0.6285	2.4123	0.6373	1.7218	0.4548	2.9333	0.7749	1.5700	0.4148
Sept	1.9283	0.5094	2.2079	0.5833	1.7318	0.4575	2.9400	0.7767	1.5900	0.4200
Oct	1.7074	0.4510	1.9103	0.5046	1.6741	0.4423	2.5667	0.7573	1.9103	0.5046
Nov	1.6100	0.4253	1.8316	0.4839	1.4571	0.3849	2.6290	0.7115	1.4567	0.3848
Dec	1.8048	0.4768	2.0108	0.5312	1.3723	0.3625	2.6650	0.6776	1.4075	0.3718

2005

2005	Gasoline and Diesel Fuels				Bituminous Materials					
	Regular Unleaded Gasoline		Number 2 Diesel, Low Sulfur		Asphalt Cement (AC-20/30)		Cutback (RC-70)		Emulsified Asphalts (RS-1/RS-2)	
Month	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter	Gallon	Liter
Jan	1.1877	0.3138	1.2906	0.3409	0.8785	0.2321	1.3800	0.3648	0.8307	0.2194
Feb	1.3978	0.3693	1.4171	0.3744	0.8355	0.2207	1.3933	0.3681	0.8438	0.2228

Fuel Table

March	1.3560	0.3582	1.5698	0.4147	0.8038	0.2123	1.3933	0.3681	0.8436	0.2229
April	1.7194	0.4542	1.7330	0.4576	0.8322	0.2198	1.3933	0.3681	0.8436	0.2229
May	1.5480	0.4090	1.6271	0.4288	0.8667	0.2289	1.3933	0.3681	0.8436	0.2229
June	1.5165	0.4006	1.6223	0.4286	0.8671	0.2291	1.3933	0.3681	0.8436	0.2229
July	1.5513	0.4098	1.7171	0.4536	0.9436	0.2493	1.4433	0.3813	0.8536	0.2255
August	1.7014	0.4495	1.7526	0.4630	0.9516	0.2514	1.4433	0.3813	0.8536	0.2255
Sept	2.4983	0.6600	2.2893	0.6048	0.9728	0.2569	1.6400	0.4332	0.8632	0.2260
Oct	2.5158	0.6646	2.7207	0.7187	0.9787	0.2585	1.8450	0.4674	0.8682	0.2294
Nov	1.6528	0.4366	1.922	0.5077	1.0048	0.2654	1.845	0.4674	0.8662	0.2294
Dec	1.5274	0.4035	1.6973	0.4484	1.0068	0.2659	1.8450	0.4674	0.8682	0.2294

View Past Years Indexes
 1999, 2000, 2001, 2002, 2003, 2004

For additional information on Fuel & Bituminous Pricing, please contact
 Stanley Youmas - (850) 414-4252



Please contact Web Author with any comments,
 or call 850-414-4160



Tuesday, September 02, 2008

Nassau County Road Dept.
2496 Eastwood Rd.
Hilliard, FL 32046
ATTN: Charlotte Young
PHONE: 904-845-3610
FAX: 904-321-2658
E-Mail
Dear Charlotte,

The following is a price quotation on EZ Street® cold asphalt:

Your business is valued and appreciated. Should you have any questions, please feel free to call.

Item	Quantity	Unit Price	
EZ Street® Bulk	1 Ton	\$116.00 Per Ton	F.O.B.

The above quote does not include any applicable taxes, and is based on full load quantities. 22 tons for bulk material. This quote is to supplement the price increase regarding bid NC07-024. This price will be for material picked up from our facility. The delivered price is still \$123.24. Please call with any questions.

We look forward to working with your organization.

RESPECTFULLY SUBMITTED,
DUVAL ASPHALT PRODUCTS, INC.

Michael Swindal
Sales Manager, EZ Street®
Office: 904-296-2020
Fax: 904-296-6574
Cell: 904-704-3469

50 YEARS OF EXPERIENCE IS YOUR GUARANTEE TO QUALITY

