

**AMENDMENT, MODIFICATION, AND EXERCISE OF OPTION #1
TO
SOURCEWELL CONTRACT #MD-R4-HVAC01-052621-VGL**

THIS AMENDMENT, MODIFICATION, AND EXERCISE OF OPTION #1 is effective upon the date of the last signature below by and between Sourcewell and Vigil Contracting, Inc., Contractor.

Sourcewell and Contractor entered into an Indefinite Quantity Construction Contract, Contract #**MD-R4-HVAC01-052621-VGL**, with an effective date of June 13, 2021 an initial term of one year, three bilateral options to extend for an additional term, and the option of Sourcewell to offer one additional one-year extension term if determined to be in the best interests of Sourcewell and its members.

The parties agree that certain terms within Contract Number **MD-R4-HVAC01-052621-VGL** will be amended, the Contractor's Adjustment Factors will be modified, and that Sourcewell's option to offer a one-year extension term will be exercised and accepted by Contractor.

IN CONSIDERATION OF the mutual covenants and agreements described in this Amendment, Modification, and Exercise of Option, the parties agree as follows:

AMENDMENT: EXPIRATION DATE CORRECTION

Section 1. B. of the Contract includes a sentence that reads, "This Contract expires one year from the stated effective date, unless it is terminated sooner pursuant to Article XX of the General Terms and Conditions, which are incorporated into this Contract by reference." Due to a drafting error by Sourcewell, the specific expiration date was not inserted into the contract. Sourcewell's practice is to align all awarded contracts for each solicitation to a common stated expiration date in order to provide consistency and clarity. In order to correct the error, the parties agree that Contract Section 1. B. is amended by deleting the quoted sentence and inserting a new sentence as reflected below, and that Section 1. B. will hereafter read as follows:

* * * *

This contract **expires June 10, 2022**, unless it is terminated sooner pursuant to Article XX of the General Terms and Conditions, which are incorporated into this Contract by reference. This Contract may be extended up to three additional one-year periods upon request of Sourcewell and with written agreement by the Contractor, not to exceed a total of four years.

* * * *

MODIFICATION: OPTION PERIOD

Pursuant to the Contract, the following are the Adjustment Factors for the next option period:

| <u>Base Year Index</u> | |
|-------------------------------|----------|
| Date | Index |
| 1 May 2020 | 11418.16 |
| 2 June 2020 | 11436.23 |
| 3 July 2020 | 11439.11 |
| 4 August 2020 | 11455.26 |
| 5 September 2020 | 11498.81 |
| 6 October 2020 | 11538.93 |

| <u>First Year Index</u> | |
|--------------------------------|----------|
| Date | Index |
| 1 May 2021 | 11989.91 |
| 2 June 2021 | 12112.05 |
| 3 July 2021 | 12237.69 |
| 4 August 2021 | 12463.13 |
| 5 September 2021 | 12464.55 |
| 6 October 2021 | 12464.94 |

| | | |
|----|---------------|----------|
| 7 | November 2020 | 11579.02 |
| 8 | December 2020 | 11625.95 |
| 9 | January 2021 | 11627.94 |
| 10 | February 2021 | 11698.79 |
| 11 | March 2021 | 11749.75 |
| 12 | April 2021 | 11849.32 |

Base Year Average 11576.4391

| | | |
|----|---------------|----------|
| 7 | November 2021 | 12467.32 |
| 8 | December 2021 | 12481.82 |
| 9 | January 2022 | 12555.55 |
| 10 | February 2022 | 12683.97 |
| 11 | March 2022 | 12791.43 |
| 12 | April 2022 | 12898.96 |

First Year Average 12467.6100

Price Adjustment:
$$\frac{\text{First Year Index Average}}{\text{Base Year Index Average}} = \frac{12467.6100}{11576.4391} = 1.0770$$

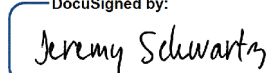
| | Original Adjustment Factor | x Price Adjustment | = Option Multiplier |
|---|----------------------------|--------------------|---------------------|
| MD-R4-HVAC01-052621-VGL | | | |
| Normal Working-Hours Prevailing Wage | 1.1050 | 1.0770 | 1.1901 |
| Other Than Normal Working Hours-Prevailing Wage | 1.1055 | 1.0770 | 1.1906 |
| Normal Working Hours-Non-Prevailing Wage | 1.1050 | 1.0770 | 1.1901 |
| Other Than Normal Working Hours-Non-Prevailing Wage | 1.1055 | 1.0770 | 1.1906 |
| Non-Pre Priced | 1.1750 | 1.0000 | 1.1750 |

EXERCISE OF OPTION: EXTENSION

Contractor and Sourcewell hereby desire and agree to extend the above defined contract, with the above identified amendment and modifications, for the period of June 13, 2022 through June 10, 2023.

Sourcewell

Vigil Contracting, Inc.

DocuSigned by:

 C0FD2A139D06489...

By: _____

Jeremy Schwartz

Title: Chief Procurement Officer

Date: 5/27/2022 | 9:44 AM CDT

DocuSigned by:

 0DAC7AC585CC4ED...

By: _____

J.J. Vigil

Title: Chief Operations Officer

Date: 5/27/2022 | 9:37 AM CDT

**AGREEMENT TO
MODIFY AND EXTEND
SOURCEWELL CONTRACT #MD-R4-HVAC01-052621-VGL**

THIS AGREEMENT TO MODIFY AND EXTEND, Sourcewell Contract #WA-DC-E01-100120-VGL, is effective upon the date of the last signature below.

Sourcewell and Vigil Contracting, Inc. ("Contractor") have entered into an Indefinite Quantity Construction Contract, Contract Number **MD-R4-HVAC01-052621-VGL**, with an initial term ending June 10, 2022, and three bilateral options to extend for an additional one-year term ("Contract"). The Contract has previously been extended by the parties for the term ending June 10, 2023. The parties agree that the Contractor's Adjustment Factors will be modified, and that Sourcewell's offer of a one-year extension term will be accepted by Contractor.

MODIFICATION: OPTION PERIOD

Pursuant to the Contract, the following are the Adjustment Factors for the term ending June 10, 2024:

| Base Year Index | | | Second Year Index | | |
|--------------------------|----------------|-------------------|----------------------------|----------------|-------------------|
| | Date | Index | | Date | Index |
| 1 | May 2020 | 11418.16 | 1 | May 2022 | 13004.47 |
| 2 | June 2020 | 11436.23 | 2 | June 2022 | 13110.50 |
| 3 | July 2020 | 11439.11 | 3 | July 2022 | 13167.84 |
| 4 | August 2020 | 11455.26 | 4 | August 2022 | 13171.07 |
| 5 | September 2020 | 11498.81 | 5 | September 2022 | 13173.43 |
| 6 | October 2020 | 11538.93 | 6 | October 2022 | 13174.92 |
| 7 | November 2020 | 11579.02 | 7 | November 2022 | 13174.98 |
| 8 | December 2020 | 11625.95 | 8 | December 2022 | 13160.29 |
| 9 | January 2021 | 11627.94 | 9 | January 2023 | 13175.03 |
| 10 | February 2021 | 11698.79 | 10 | February 2023 | 13175.93 |
| 11 | March 2021 | 11749.75 | 11 | March 2023 | 13176.30 |
| 12 | April 2021 | 11849.32 | 12 | April 2023 | 13229.57 |
| Base Year Average | | 11576.4391 | Second Year Average | | 13157.8608 |

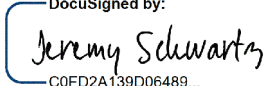
$$\text{Adjustment: } \frac{\text{Second Year Index Average}}{\text{Base Year Index Average}} = \frac{13157.8608}{11576.4391} = 1.1366$$

| | Original Adjustment Factor | x | Adjustment | = | Adjustment Factor 06/11/23 through 06/10/24 |
|---|----------------------------------|---|------------|---|--|
| MD-R4-HVAC01-052621-VGL | | | | | |
| Normal Working Hours – Prevailing Wage | 1.1050 | | 1.1366 | | 1.2559 |
| Other Than Normal Working Hours – Prevailing Wage | 1.1055 | | 1.1366 | | 1.2565 |
| Normal Working Hours – Non-Prevailing Wage | 1.1050 | | 1.1366 | | 1.2559 |
| Other Than Normal Working Hours – Non- Prevailing Wage | 1.1055 | | 1.1366 | | 1.2565 |
| Non Pre-Priced | 1.1750 | | 1.0000 | | 1.1750 |

EXERCISE OF OPTION: EXTENSION

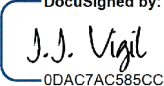
Contractor and Sourcewell hereby desire and agree to extend the Contract, with the above modification, for the period June 11, 2023 through June 10, 2024.

Sourcewell

DocuSigned by:

 By: _____
 Jeremy Schwartz
 Title: Chief Procurement Officer

Date: 4/26/2023 | 4:28 PM CDT

Vigil Contracting, Inc.

DocuSigned by:

 By: _____
 JJ Vigil
 Title: COO

Date: 4/26/2023 | 3:03 PM CDT

**AGREEMENT TO
MODIFY AMENDMENT TO
SOURCEWELL CONTRACT #MD-R4-HVAC01-052621-VGL**

THIS AGREEMENT TO MODIFY the Amendment dated April 26, 2023, to Sourcewell Contract # **MD-R4-HVAC01-052621-VGL**, is effective upon the date of the last signature below.

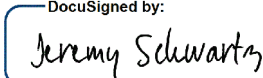
Sourcewell and Vigil Contracting, Inc. (collectively referred to as “the Parties”) entered into an Indefinite Quantity Construction Contract, Contract # **MD-R4-HVAC01-052621-VGL** (“Contract”) which was subsequently extended via Amendment dated April 26, 2023 (“Amendment”). Said Amendment contained an error in the opening paragraph wherein the incorrect Sourcewell Contract number was referenced.

Therefore, the Parties agree that the opening paragraph of the Amendment shall be deleted in its entirety and replaced with the following:

THIS AGREEMENT TO MODIFY AND EXTEND, Sourcewell Contract # **MD-R4-HVAC01-052621-VGL**, is effective upon the date of the last signature below.

Except as amended above, the Amendment remains in full force and effect.

Sourcewell

DocuSigned by:

By: _____
C0FD2A139D06489...

Jeremy Schwartz

Title: Chief Procurement Officer

Date: 10/12/2023 | 9:05 AM CDT

Vigil Contracting, Inc.

DocuSigned by:

By: _____
0DAC7AC585CC4ED...

JJ Vigil

Title: COO

Date: 10/12/2023 | 9:02 AM CDT