

**FOURTH MODIFICATION TO
THIRD PARTY ADMINISTRATIVE SERVICES FOR FLEXIBLE SPENDING ACCOUNTS
HEALTHCARE AND DEPENDENT DAYCARE
CONTRACT No. F10B6400004**

THIS FOURTH MODIFICATION ("FOURTH MODIFICATION") is made as of this 27th day of May, 2022 by and between P&A Administrative Services Inc. ("P&A" or "the Contractor") and the STATE OF MARYLAND, acting through the Department of Budget and Management, Office of Personnel Service and Benefits (the "Department").

WHEREAS, on July 6, 2016, the Department entered into a contract with the Contractor for Third Party Administrator (TPA) Services for Flexible Spending Accounts —Healthcare and Dependent Daycare, Project No. F10B6400004, (the "Contract") pursuant to the Request for Proposals for Third Party Administrator (TPA) Services for Flexible Spending Accounts — Healthcare and Dependent Daycare, Project No. F10B6400004 dated October 19, 2015, and all amendments thereto issued in writing by the State (the "RFP"); and

WHEREAS, the Contractor agreed to make a good faith effort to meet the 15% Minority Business Enterprises (MBE) participation goal set forth in the RFP; and

WHEREAS, the Department and Contractor modified the Contract on December 16, 2016 ("Modification 1") to revise Section 3.9 of the RFP (SOC 2 Type II Audit Report); and

WHEREAS, the Department and Contractor again modified the Contract on December 21, 2016 ("Modification 2") to revise RFP Attachment Q-3, Current FSA Plan Design for the Healthcare FSA; and

WHEREAS, the Department and Contractor again modified the Contract on August 31, 2021 ("Modification 3") in order to extend the term of the Contract; and

WHEREAS, the Contractor has requested to add an additional MBE subcontractor to its plan to meet or exceed the Contract's MBE participation goal; and

WHEREAS, the Department and Contractor desire to modify the Contract in order to amend the Contractor's MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule and Certified MBE Subcontractor Participation Certification.

NOW, THEREFORE, IN CONSIDERATION of the Recitals which are hereby made a substantive part hereof, and the mutual promises and covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the Department and Contractor hereby mutually agree to the changes below.

1. MBE Participation Plan.

1.1 The Minority Business Enterprise (MBE) Utilization and Fair Solicitation Affidavit & MBE Participation Schedule and Certified MBE Subcontractor Participation Certification for the Contract submitted by the Contractor, dated January 5, 2016 and June 15, 2016, respectively (collectively referred to as the "Original MBE Plan") are hereby replaced in their entirety with

the revised complete MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule and Certified MBE Subcontractor Participation Certification (MBE Attachments D-1A and D-3A, respectively), attached hereto and incorporated into the Contract by reference herein (collectively referred to as the "Revised MBE Plan").

- 1.2 The Contractor represents and warrants that it will continue to meet its promised obligation to its Current MBE subcontractor(s):

Absolute Staffing & Consulting Solutions, LLC

Implementation of the Revised MBE Plan herein as identified above in Section 1.1 for the Contract shall not adversely affect the volume, amount, and value of the work provided to the MBE(s) identified in the Original MBE Plan. Contractor agrees that each such MBE will continue to be utilized to the maximum extent possible under the Contract.

2. **Scope of Fourth Modification.** This Fourth Modification amends the Contract specifically as described herein. The Revised MBE Plan shall be in full force and effect as of the date of this Fourth Modification. Services provided by and any compensation paid to Ebert Enterprises, Inc. DBA Curry Printing & Copy Center prior to the effective date of this Fourth Modification shall be considered and allowable toward the Contractor meeting its obligations in connection with MBE participation under the Contract. Except as specifically revised by the terms of this Fourth Modification, all of the terms of the Contract shall remain in full force and effect and shall apply to this Fourth Modification.

IN WITNESS THEREOF, the parties have executed this Fourth Modification as of the date hereinabove set forth.

CONTRACTOR:

P & 

By: Michael Rizzo President

Print Name and Title

3-8-2022



Witness/Attest

STATE OF MARYLAND:

DEPARTMENT OF BUDGET AND MANAGEMENT

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 5/27/2022 | 10:39:55 AM PDT
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By: **Marc Nicole, DBM Deputy Secretary**

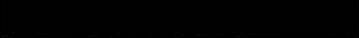
Or designee:

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Date DocuSigned by:


Witness

APPROVED FOR FORM AND LEGAL SUFFICIENCY THIS 7th DAY OF April, 2022.


ASSISTANT ATTORNEY GENERAL