

**FIFTH CONTRACT MODIFICATION
MAINTENANCE, REPAIR AND ACCIDENT MANAGEMENT PROGRAM FOR
STATE-OWNED VEHICLES
CONTRACT NO. 050B6400003 (CTR007678)**

This Fifth Contract Modification (the "Fifth Modification") is made this 30 day of March, 2023, by and between Element Fleet Corporation (the "Contractor") and the State of Maryland (the "State") acting through the Department of Budget and Management (the "Department").

WHEREAS, on September 14, 2016, the Department entered into a contract with Element Vehicle Management Services, LLC to provide a Maintenance, Repair, and Accident Management Program for State-Owned Vehicles (the "Contract") pursuant to Request for Proposals for a Maintenance, Repair and Accident Management Program for State Owned Vehicles, Solicitation No. 050B6400003 issued January 15, 2016, and all amendments thereto issued in writing by the State (the "RFP"); and

WHEREAS, the Department and Element Vehicle Management Services, LLC modified the Contract on September 12, 2017 to clarify the scope of work ("Modification 1"); and

WHEREAS, the Department, Element Vehicle Management Services, LLC and the Contractor again modified the Contract on June 7, 2018 to reflect the assignment and novation of the Contract from Element Vehicle Management Services, LLC to the Contractor ("Modification 2"); and

WHEREAS, the Department and the Contractor again modified the Contract on September 1, 2021 to extend the Contract ("Modification 3"); and

WHEREAS, the Department and the Contractor again modified the Contract on June 22, 2022 to add additional funds and to further extend the Contract ("Modification 4"); and

WHEREAS, the Department and Contractor desire to further extend the Contract while the State continues to conduct a new procurement for the services and awards a new contract, to ensure continuation of maintenance, repair, and accident management for State-owned vehicles.

NOW THEREFORE, IN CONSIDERATION of the promises and the covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Defined Terms.** All capitalized terms used in this Fifth Modification shall have the same meaning as provided in the Contract.
2. **Duration of Contract.** The Contract term under Section 3 of the Contract, Period of Performance, is hereby extended for nine (9) months, from March 31, 2023 through December 31, 2023 (the "Third Contract Extension Period"), unless terminated earlier as provided in the Contract.

- 3. Consideration and Payment.** Payment to the Contractor for the services rendered during the Third Contract Extension Period shall be made using unspent funds from the Second Contract Extension Period. No additional monies will be added to the Contract. The terms and conditions of Section 4 of the Contract remain unchanged.
- 4. Scope of Fifth Modification.** This Fifth Modification amends the Contract specifically as described herein. Except as specifically revised by the terms of this Fifth Modification, all of the terms of the Contract shall remain in full force and effect and shall apply to this Fifth Modification.

**CONTRACTOR:
ELEMENT FLEET CORPORATION**

By: DocuSigned by:
[Redacted Signature]
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Date: March 27, 2023

Matt Farley, Vice President, Asst. General Counsel
Print Name and Title of Authorized Officer

Witness/Attest:

By: DocuSigned by:
[Redacted Signature]
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Approved for form and legal sufficiency
this 27th day of March,
2023.

[Redacted Signature]
Assistant Attorney General

**STATE OF MARYLAND;
DEPARTMENT OF BUDGET AND
MANAGEMENT**

By: [Redacted Signature]
Helene Grady, Secretary

Date: 3-29-23

Witness:

By: _____