

TFC Contract No. 19-041-000
Amendment 2
Gaeke Construction Company, Inc.
RFQ No. 303-9-00622
Project No. 18-005-6099

**AMENDMENT NO. 2
TO THE
CONSTRUCTION MANAGER-AT-RISK CONTRACT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
GAEKE CONSTRUCTION COMPANY, INC.**

This Amendment No. 2 is entered into by and between the **Texas Facilities Commission**, a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as “TFC”), as Owner (as defined below and in *2015 Uniform General Conditions*, Section 1.28) and **Gaeke Construction Company, Inc.**, located at 2910 East Austin Street, Giddings, Texas 78942 (hereinafter referred to as “Construction Manager-Agent” or “CMR”), to amend the original Construction Manager-at-Risk Contract (hereinafter referred to as the “Contract”), as amended.

RECITALS

WHEREAS, on May 21, 2019, the Parties entered into that one certain *Construction Manager-at-Risk Contract for TDA Giddings Lab Renovation Project Between the Texas Facilities Commission and Gaeke Construction Company Inc.*; and

WHEREAS, on October 14, 2020, the Parties executed Amendment No. 1 reflecting increased funding for Additional Services; and

WHEREAS, the Parties now desire to amend the Contract, as amended, reducing the total contract amount by Thirty-Two Thousand and No/100 Dollars (\$32,000.00) in order to reflect Project savings;

NOW THEREFORE, the Parties hereby agree as follows:

1. Unless clearly provided otherwise herein, all terms and phrases in initial caps herein shall have the same meaning as the terms and phrases with initial caps in the Contract.
2. The Parties agree to amend Article IV, Consideration, by deleting Section 4.2, as amended, so that it reads in its entirety follows.

“4.2. Contract Sum-Components. Upon execution of a GMP Acceptance, the Contract Sum shall not exceed One Million Five Hundred Fifteen Thousand Nine Hundred Ninety-Six and No/100 Dollars (\$1,515,996.00), which is the sum of the following components.

4.2.1. Pre-Construction Management Fee. The Pre-Construction Management Fee, which shall, at Contract execution, not exceed the sum of Nine Thousand Four Hundred Sixty-Seven and No/100 Dollars (\$9,467.00).

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4.2.2. Construction Management Fee. The Construction Management Fee not to exceed eight percent (8%) of the Cost of Work, which sum will be finalized as part of the Contract Sum in the GMP Acceptance and shall not exceed the sum of Eighty-Nine Thousand Two Hundred Sixty-Three and No/100 Dollars (\$89,263.00).

4.2.3. General Conditions Fee. The General Conditions Fee not to exceed One Hundred Sixty-Nine Thousand Four Hundred Forty and No/100 Dollars (\$169,440.00), which sum will be finalized as part of the Contract Sum in the GMP Acceptance.

4.2.4. Cost of Work. The Cost of Work will be adjusted and finalized as part of the Contract Sum in the GMP. The budget for the Cost of Work shall not exceed One Million One Hundred Fifteen Thousand Seven Hundred Eighty-Two and No/100 Dollars (\$1,115,782.00).

4.2.5. TFC Controlled Contingency. The TFC Controlled Contingency of One Hundred Thirty-Two Thousand Forty-Four and No/100 Dollars (\$132,044.00), which sum shall be maintained through construction, and included in the Contract Sum and finalized in the GMP Acceptance.

4.2.6. Unused Contingencies. Any unused portion of the CMR Contingency and the TFC Controlled Contingency shall be returned to TFC at the completion of the Project through a credit Change Order to the Contract Sum.”

All other terms and conditions of the Contract not expressly amended herein shall remain in full force and effect.

This Amendment No. 2 shall be effective as of the date of the last Party to sign it.

TEXAS FACILITIES COMMISSION

GAEKE CONSTRUCTION COMPANY, INC.

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 By: Mike Novak, Executive Director
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DocuSigned by:
 By: Louis Gaeke, President
 D211783CB0504CB...

Mike Novak

Louis Gaeke

Executive Director

President

Date of Execution: 01/18/2021 | 11:24 AM CST Date of Execution: 01/18/2021 | 10:57 AM CST

PM PPO

GC SEHDL

Dir MWD

DED JR