

**AMENDMENT NO. 1  
TO THE  
CONSTRUCTION MANAGER-AT-RISK CONTRACT  
BETWEEN  
THE TEXAS FACILITIES COMMISSION  
AND  
BALFOUR BEATTY CONSTRUCTION, LLC**

**This Amendment No. 1** to the Construction Manager-at-Risk Contract (hereinafter referred to as “Amendment No. 1”) 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 in *2015 Uniform General Conditions*, Section 1.28) and Balfour Beatty Construction, LLC located at 1250 South Capital of Texas Highway, Building 1, Suite 250 (hereinafter referred to as “Contractor”), to amend the original Construction Manager-at-Risk Contract dated January 5, 2017, (hereinafter referred to as the “Contract”) pursuant Tex. Gov’t Code Ann. §§2166.2525 and §2267.151 (West 2016), to be effective as of the Effective Date (as defined below).

**RECITALS**

WHEREAS, on January 5, 2017, the parties entered into that one certain *Construction Manager-at-Risk Contract By and Between the Texas Facilities Commission and Balfour Beatty Construction, LLC*, (hereinafter referred to as the “Contract”); and

WHEREAS, in keeping with Contract Sections 2.1.4 and 12.26, the parties desire to amend the Contract to provide for additional services and to increase to the Contract Sum as more particularly described below;

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 modify ARTICLE II –SCOPE OF SERVICES, to include the additional services described in CONTRACTOR’S PROPOSED CHANGE ORDER FORMS A, B and C, numbered PCO 001 and dated June 28, 2017, June 29, 2017, and July 10, 2017, respectively, attached hereto as “Exhibit A-1” and incorporated herein for all purposes.
3. The parties agree to modify ARTICLE IV – CONSIDERATION, SECTION 4.2 - CONTRACT SUM-COMPONENTS, to reflect additional compensation to the Contractor for services provided under this Amendment No. 1 in the amount of Four Million Three Hundred Thirty Two Thousand Four Hundred Fifty Five and No/100 Dollars (\$4,332,455.00), thus increasing the total amount from Twelve Million Six Hundred Ten Thousand and No/100 (\$12,610,000.00), to a total not to exceed amount of Sixteen Million Nine Hundred Forty Two Thousand Four Hundred Fifty Five and No/100 Dollars (\$16,942,455.00).

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

**TEXAS FACILITIES COMMISSION**      **BALFOUR BEATTY CONSTRUCTION, LLC**

By: [Signature]      By: [Signature] A  
Harvey Hilderbran      ~~John Tarpey~~      CHRIS DAVICE VICE PRESIDENT

Executive Director

President, Texas Division

Date of Execution: 8-25-17

Date of Execution: 8/18/17

G.C. [Signature]

Dir. [Signature]

D.E.D. [Signature]

TFC Contract No. 17-030-001  
RFP No. 303-6-01935  
Project No. 17-010-5141

**TFC CONTRACT NO. 17-030-000**

**BALFOUR BEATTY CONSTRUCTION, LLC**

**EXHIBIT A-1**



<h1 style="margin: 0;">ARCHITECT'S</h1> <h2 style="margin: 0;">Proposed Change Order Form</h2>	C
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TO: Texas Facilities Commission

AND: \_\_\_\_\_  
PM/ODR

16-0215051  
TFC PROJECT

The Proposed Change Order Documents are presented for your consideration and approval. The Contractor's Form "B" has been reviewed and it is recommended for approval by the undersigned. Acceptance of this change is recommended for the following REASON and JUSTIFICATION.

PCO #001  
PROPOSED CHANGE ORDER NO.

7/10/2017  
DATE

REASON:  
Owner Request

JUSTIFICATION:

We have reviewed this PCO and find it commensurate with the cost of labor and materials for the task. We recommend you accept this PCO.

Respectfully submitted

by



\_\_\_\_\_  
Signature

HMG & Associates, Inc.  
Architect / Engineer

**TFC 5 Building**  
**PCO LOG**

**Balfour Beatty**  
 Construction

PCO#	Description	Contignecy	Cost of Work	GC's	Pre-Con Fee	Fee	Total Contract
		\$ 655,464.00	\$ 10,500,000.00	\$ 970,786.00	\$ 90,000.00	\$ 393,750.00	\$ 12,610,000.00
001	SHB Water Intrusion Repair	\$ 4,332,455.00					
Revised Contignecy/Contract Amount		\$ 4,987,919.00	\$ 10,500,000.00	\$ 970,786.00	\$ 90,000.00	\$ 393,750.00	\$ 16,942,455.00



<h1 style="margin: 0;">CONTRACTOR'S</h1> <h2 style="margin: 0;">Proposed Change Order Form</h2>	B
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TO: Architect / Engineer

The following is a detailed cost breakdown, including both materials and labor for all additions to and/or deductions from the contract sum if the change described on form A is accepted. (Additional data necessary to support itemized figures is attached and identified below.)

16-021-5051  
TFC PROJECT NO.

PCO 001  
PROPOSED CHANGE ORDER NO.

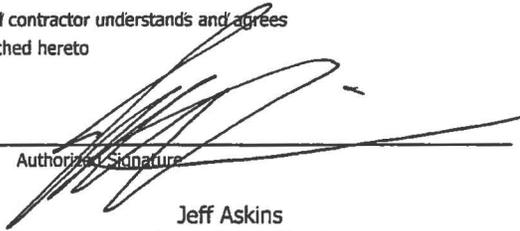
6/29/2017  
DATE

PCO 001 is for SHB water intrusion repair (17-010-5141). The work to be completed under this PCO includes labor and material to provide the requested revision. The total cost of this revision is \$4,332,455, which will be added to the owner's contingency and increase the total overall contract amount by \$4,332,455.

Total Addition / Deduction (circle one) to CONTRACT SUM if accepted: \$ \$4,332,455.00

Request is made for addition of 0 CALENDAR DAYS to the contract period.

The above proposal is submitted for your consideration. The undersigned contractor understands and agrees that this proposal is validated only by the approved CHANGE ORDER attached hereto

  
 \_\_\_\_\_  
 Authorized Signature  
 Jeff Askins  
 Operations Director

Balfour Beatty Construction  
 \_\_\_\_\_  
 Name of Contracting Firm



<h1 style="margin: 0;">ARCHITECT'S</h1> <h2 style="margin: 0;">Proposed Change Order Form</h2>	A
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TO: Contractor

Please prepare a CONTRACTOR'S PROPOSED CHANGE ORDER FORM B on the following proposed change: (Additional sealed documents necessary to completely describe the change identified below are attached.)

To include SHB water intrusion repair (17-010-5141) to TFC Contingency.

16-021-5051  
TFC PROJECT NO.

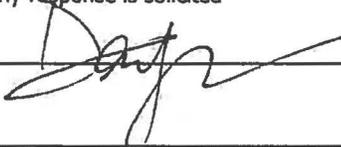
PCO 001  
PROPOSED CHANGE ORDER NO.

28-Jun-17  
DATE

This Proposed Change Order was initiated

by Daniel Yen

Your early response is solicited

by   
Signature

TFC Project Manager

**ROUTING INFORMATION**

1. Architect / Engineer prepare Proposed Change Order (PCO) in Impact and assign PCO number. Prepare and upload form "A", along with any attachments and transmit to Contractor via Impact.
2. Contractor prepare Form "B." Respond to PCO in Impact, upload Form "B" and transmit to Architect / Engineer.
3. Architect / Engineer review Form "B" and prepare Form "C". Upload Form "C" and transmit to TFC via Impact.
4. TFC staff review all documents, fill in amounts on CHANGE ORDER form, assign CHANGE ORDER NUMBER, and endorse. Transmit to Using Agency via email/Impact.
5. Using Agency review all documents and endorse CHANGE ORDER form. Transmit to TFC via Impact.
6. TFC final Approval. Transmit copies of all documents to all parties via Impact.