

**AMENDMENT NO. 1
TO THE
CONTRACT FOR
PLUMBING SERVICES
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
BEARD INTEGRATED SYSTEMS, INC.**

THIS AMENDMENT NO. 1 is entered into by and between the Texas Facilities Commission (hereinafter referred to as “TFC”), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701 and Beard Integrated Systems, Inc. (hereinafter referred to as “Contractor”) located at 316 State Hwy W. 21, Cedar Creek, Texas 78612, to amend the original Contract between the parties (hereinafter referred to as the “Contract”).

WHEREAS, TFC has determined to modify Section 1.1(c) of the Contract for administrative purposes; and

WHEREAS, subject to Contract Section 10.21, Entire Agreement and Modification, such modification may only be effected by a written amendment to the Contract; and

WHEREAS, the Texas Legislature in the 85th Regular Legislative Session, enacted Senate Bill 252 effective September 1, 2017, relating to prohibiting governmental contracts with a company doing business with Iran, Sudan, or a foreign terrorist organization; and

WHEREAS, the parties desire to amend the Agreement for the purpose of changing the contract contact information; and

WHEREAS, TFC has determined to modify the Contract so it that it reflects such prohibition;

NOW, THEREFORE, the parties agree to amend the Contract as follows:

1. The parties hereby agree to modify ARTICLE I – STATEMENT OF WORK, SECTION 1.1 – SERVICE REQUIREMENTS, by deleting subsection (c) in its entirety, and replacing it with subsection (c) as follows:

“(c) Each Delivery Release shall be subject to the terms and conditions set forth in this Contract, and shall include a description of the project assignment, scope of services, schedule and term, and compensation specific to the Delivery Release which shall be negotiated at the time of such Delivery Release. The following are also to be included on a Delivery Release: (i) a breakdown of material and labor (no flat fees); (ii) the hourly rate with an estimated number of hours; (iii) a description of whether or not the job is scheduled for regular or overtime hours or a combination of both; (iv) any discounts after “standard” or “list;” and (v) no taxes.”

TFC Contact No. 18-063-000
RFP No. 303-7-00949
Beard Integrated Systems, Inc.
Amendment No. 1

2. The parties hereby agree to modify ARTICLE IX – CONTRACTOR GENERAL AFFIRMATIONS, by adding Section 9.15, Prohibition Against Contracting With Companies Engaged in Business with Iran, Sudan, or Foreign Terrorist Organizations, as follows:

“9.15 PROHIBITION AGAINST CONTRACTING WITH COMPANIES ENGAGED IN BUSINESS WITH IRAN, SUDAN, OR FOREIGN TERRORIST ORGANIZATIONS. In accordance with Section 2251.152 of the Texas Government Code, TFC is prohibited from entering into a governmental contract (as defined in Texas Government Code Section 2252.151(3)) with a company that is identified on a list prepared and maintained under Texas Government Code Section 806.051, 807.051, or 2252.153. If contractor is on the above-referenced list the Contract will be considered void or voidable and TFC will not be responsible to pay Contractor for any work performed.

3. The parties hereby agree to amend ARTICLE XII – MISCELLANEOUS PROVISIONS, SECTION – 12.11 – NOTICES, by changing the contact for Contractor as follows:

“For Contractor;”

Attention: Jack Lumus, South Texas Division Manager
Beard Integrated Systems, Inc.
316 West State Highway 21
Cedar Creek, Texas 78612
Phone: (512) 441-7100
Email: jlumus@beardint.com

Except as expressly amended above, all provisions of the Contract remain in full force and effect.

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In Witness Whereof, the parties hereto have made and executed this Amendment No. 1 to this Contract to be effective as of the date of the last party to sign.

TEXAS FACILITIES COMMISSION

BEARD INTEGRATED SYSTEMS, INC.

By: 
C29F7F24A758477...

By: 
C5B96FCF0BE54F6...

John S. Raff

Print Name: Jack Lumus

Interim Executive Director

Title Print: South Texas Manager M&P

Date of execution: 05/31/2018 | 5:15 PM CDT

Date of execution: 05/31/2018 | 1:47 PM CDT

GC. 

Dir. 

D.E.D. 