

AMENDMENT NO. 1 TO OUTSIDE COUNSEL CONTRACT

OCC No. 2016-303-0012

WHEREAS, the TEXAS FACILITIES COMMISSION (hereinafter referred to as "TFC") and COATS, ROSE, YALE, RYMAN & LEE, P.C. (hereinafter referred to as "Outside Counsel") desire to modify that one certain Outside Counsel Contract No. 2016-303-0012, TFC Contract No. 16-043-00, effective as of October 1, 2015 (hereinafter referred to as the "Outside Counsel Contract"), to the mutual benefit of the Parties and in the best interest of the State of Texas by increasing the maximum liability and expanding the scope of services.

IT IS UNDERSTOOD AND AGREED AS FOLLOWS:

1. Section 1.1 — PURPOSE, of the Outside Counsel Contract is amended to incorporate Addendum A-1 — EXPANDED SERVICES, attached hereto and incorporated herein for all purposes. Outside Counsel and TFC understand and agree to the Office of Attorney General's continuing authority and right to expand or limit the scope of legal services provided by Outside Counsel to TFC.

2. Section 4.1 — LIMITATION OF LIABILITY, of the Outside Counsel Contract is amended to increase the total liability from Two Hundred Forty Thousand and No/100 Dollars (\$240,000.00), to a new total liability of Three Hundred Forty Thousand and No/100 Dollars (\$340,000.00). Any increase to the liability during the term of this Outside Counsel Contract must be in writing and approved by the Office of the Attorney General (hereinafter referred to as the "OAG"). The Parties acknowledge and agree that nothing in this Outside Counsel Contract may be interpreted to create an obligation or liability in excess of the funds currently appropriated to the TFC during the OUTSIDE COUNSEL CONTRACT TERM or any extension thereof.

The Outside Counsel Contract in all other respects is ratified and confirmed.

This Amendment No. 1 shall be effective as of January 20, 2016.

COATS, ROSE, YALE, RYMAN & LEE, P.C.

TEXAS FACILITIES COMMISSION


Richard L. Reed, Director


Kay Molina, General Counsel

Date: 1/20/2016

Date: 1/20/16

Outside Counsel Contract No. 2016-303-0012
TFC Contract No. 16-043-01
Amendment No. 1

APPROVED:

OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL OR DESIGNEE

OUTSIDE COUNSEL CONTRACT

OAG Contract No. 2016-303-0012

ADDENDUM A-1

EXPANDED SERVICES

Description of Expanded Legal Services to be provided:

This Addendum A-1 is in addition to any services described in Addendum A to the Outside Counsel Contract effective as of October 1, 2015.

Outside Counsel shall engage a qualified insurance services expert acceptable to TFC to provide recommendations on insurance and risk management issues, including current insurance market conditions, practices and insurance products appropriate to establish TFC's insurance requirements for the Capitol Complex Master Plan and the North Austin Complex Master Plan Development Projects ("Projects"). Outside counsel and TFC intend to jointly use and rely upon such expert's recommendations to develop Owner's insurance requirements for the Projects. The expert to be engaged by Outside Counsel shall (i) be certified and maintain credentials as a Certified Insurance Counselor (CIR), Certified Risk Manager (CRM) and Construction Risk and Insurance Specialist (CRIS); and (ii) maintain professional liability insurance limits not less than \$2 Million.

Outside Counsel's terms of engagement of the expert shall be subject to TFC's prior approval, and such engagement shall be subject to cancellation on reasonable advance notice after TFC's written direction to Outside Counsel to terminate the engagement.

TFC agrees Outside Counsel shall not be liable for any losses or damages TFC may suffer as a result of TFC's and Outside Counsel's joint use and reliance upon the expert's recommendations.