

TFC Contract No. 16-124-000  
Flintco, LLC  
RFQ No. 303-6-01246  
Amendment No. 3  
Project No. 16-009-5580

**AMENDMENT NO. 3  
TO  
CONSTRUCTION MANAGER-AT-RISK CONTRACT  
BETWEEN  
THE TEXAS FACILITIES COMMISSION  
AND  
FLINTCO, LLC**

The Texas Facilities Commission (hereinafter referred to as “TFC”), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701, as Owner (as defined in 2015 UGC Section 1.28) and Flintco, LLC, a wholly owned subsidiary of AIH Flintco, LLC, located at 317 Grace Lane, Suite 150, Austin, Texas 78746 (hereinafter referred to as “CMR”) (hereinafter collectively referred to as the “Parties”), enter into the following *Amendment No. 3 to the Construction Manager-at-Risk Contract between the Texas Facilities Commission and Flintco, LLC* (hereinafter referred to as “Amendment No. 3”).

**Recitals:**

WHEREAS, on August 1, 2016, the Parties entered into that one certain *Construction Manager-at-Risk Contract Between the Texas Facilities Commission and Flintco, LLC* (hereinafter referred to as the “Contract”); and

WHEREAS, on December 20, 2018, the Parties entered into Amendment No. 1 for the purpose of extending the Contract Term, to increase the Contract Sum, and to incorporate Texas Government Code §2270.002; and

WHEREAS, on June 9, 2019, the Parties entered into Amendment No. 2 for the purpose of changing the CMR address; and

WHEREAS, in keeping with Contract Sections 2.1.4, TFC Approvals, and 12.26, Entire Agreement and Modification, the Parties now desire to extend the Contract Term;

NOW, THEREFORE, the Parties agree to amend the Contract 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 III – TERM, SUSPENSION, AND TERMINATION, Section 3.1, Contract Term, by deleting Section 3.1 in its entirety and replacing it with Section 3.1, as follows:

“3.1. Contract Term. This Contract shall be effective as of the Effective Date and shall terminate on August 31, 2021, unless extended by the parties by amendment to this Contract or terminated earlier, as provided below.”

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

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment No. 3 to be effective as the date of the last party to sign.

**TEXAS FACILITIES COMMISSION**

**FLINTCO, LLC**

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By: Mike Novak, Executive Director  
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By: [Signature]  
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Mike Novak  
Executive Director

Kevin Moyes  
President, South Central Region

Date of execution: 08/17/2020 | 8:17 AM CDT

Date of execution: 08/17/2020 | 6:10 AM PDT

PM [Signature]

GC [Signature]

Dir [Signature]

DED [Signature]