

**AMENDMENT NO. 2
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 UGC Section 1.28) and Flintco, LLC, a limited liability company (hereinafter referred to as “CMR”), located at 317 Grace Lane, Suite 150, Austin, Texas 78746 (hereinafter referred to collectively as the “Parties”), enter into the following *Amendment No. 2 to the Construction Manager-at-Risk Contract between the Texas Facilities Commission and Flintco, LLC* (hereinafter referred to as the “Amendment No. 2”).

Recitals:

WHEREAS, on or about May 4, 2018, 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 January 8, 2019, the Parties entered into Amendment No. 1 for the purpose of additional funding to increase the Contract Sum and reapportion its Components, to incorporate certain statutorily required provisions and to change the contract contact information; and

WHEREAS, the Parties now desire to enter into Amendment No. 2 to change the address given in the caption and to further change the Notices section of the Contract as more particularly described below;

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

1. The parties agree to modify the caption by deleting the address provided for CMR and replacing it with the following:

“317 Grace Lane, Suite 150, Austin, Texas 78746.”

2. The parties hereby agree to amend ARTICLE XII – MISCELLANEOUS PROVISIONS, SECTION – 12.7 – NOTICES by changing the address for CMR as follows:

Flintco, LLC
Attention: Kirk D. Benken, Vice President, Area Manager
317 Grace Lane, Suite 150
Austin, Texas 78746
Email: Kirk.Benken@Flintco.com
Telephone: (512) 822-7450

TFC Contract No. 18-180-000
Flintco, LLC
Project No. 18-008-5093
Amendment No. 1

Except as expressly amended above, the Contract remains in full force and effect.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment No. 2 to be effective as the date of the last party to sign.

TEXAS FACILITIES COMMISSION

FLINTCO, LLC

By: DocuSigned by:
Mike Novak
B1C9FC0A8020417...

By: DocuSigned by:
Kirk D. Benken
4DB67C41C8BF454...

Mike Novak

Kirk D. Benken

Executive Director

Vice President, Area Manager

Date of Execution: 04/02/2019 | 6:02 PM CDT

Date of Execution: 04/02/2019 | 4:06 PM CDT

GC NRG

Dir. mw

DED R