

**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 2015 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 June 29, 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 February 22, 2019, the Parties entered into Amendment No. 1 for the purpose of additional funding to increase the Contract Sum and reapportion certain of the Contract Sum-Components and to incorporate certain statutorily required provisions; and

WHEREAS, the Parties now desire to enter into Amendment No. 2 to change the address give in the caption and in 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: Kevin Moyes, President South Central Region  
317 Grace Lane, Suite 150  
Austin, Texas 78746  
Email: [KMoyes@Flintco.com](mailto:KMoyes@Flintco.com)  
Telephone: (512) 891-7224

TFC Contract No. 16-105-000  
Flintco, LLC  
Project Nos. 16-001-8801 & 18-002-8601  
Amendment No. 2

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 | 6:00 PM CDT

Date of Execution: 04/02/2019 | 4:05 PM CDT

GC NRG

Dir. MM

DED R