

**AMENDMENT NO. 1  
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 1.25) and Flintco, LLC, a limited liability company (hereinafter referred to as “CMR”), located at 8100 Cross Park Drive, Austin, Texas 78754 (hereinafter referred to as “CMR”) (hereinafter referred to collectively as the “Parties”), enter into the following *Amendment No. 1 to the Construction Manager-at-Risk Contract between the Texas Facilities Commission and Flintco, LLC* (hereinafter referred to as the “Amendment No. 1”).

**Recitals:**

WHEREAS, on October 11, 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, the Parties desire to enter into this Amendment No. 1 for the purpose of changing the contract contact information; and

WHEREAS, pursuant to Section 7.1.1.2 TFC exercises its reservation of rights by incorporating Texas Government Code § 2270.002 for all purposes;

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

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

“If to CMR: Flintco, LLC  
Attention: Kevin Moyes, Regional President  
8100 Cross Park Drive  
Austin, Texas 78754  
E-Mail: [KMoyes@Flintco.com](mailto:KMoyes@Flintco.com)  
Telephone: (512) 891-7224

2. TFC hereby modifies ARTICLE VII – WARRANTIES AND REPRESENTATIONS BY CMR, by adding Section 7.1.16, as follows:

“7.1.16. Prohibition Against Boycotting Israel. In accordance with Section 2270.002 of the Texas Government Code, by signature hereon, Contractor certifies that it does not boycott Israel and will not boycott Israel during the term of this Contract.”

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. 1 to be effective as the date of the last party to sign.

**TEXAS FACILITIES COMMISSION**

**FLINTCO, LLC**

By: 

By: 

Harvey Hilderbran

Kevin Moyes

Executive Director

Regional President

Date of Execution: 11-14-17

Date of Execution: 11/9/17

G.C. NRG

Dir. mm

D.E.D. M