

**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 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. 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 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, on November 14, 2017, the Parties entered into Amendment No. 1 for the purpose of modifying the Contract contact information and to incorporate Texas Government Code § 2270.002; and

WHEREAS, the Parties desire to further amend the Contract, as amended, for the purpose of reflecting additional funding to be apportioned under Contract Sections 4.2.1 through 4.2.6 upon GMP Acceptance;

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 hereby agree to amend ARTICLE IV – CONSIDERATION, Section 4.2, Contract Sum-Components, by reflecting additional funding in the amount of Two Million Six Hundred Thirty-Two Thousand Two Hundred Thirteen and No/100 Dollars (\$2,632,213.00), thus increasing the Contract Sum from Ten Million Eight Hundred Fifty-Nine Thousand One Hundred Twenty-Five and No/100 Dollars (\$10,859,125.00), to a total not to exceed amount of Thirteen Million Four Hundred Ninety-One Thousand Three Hundred Thirty-Eight and No/100 Dollars (\$13,491,338.00).

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**

By: JSBH

John S. Raff

Interim Executive Director

Date of Execution: 4.26.18

**FLINTCO, LLC**

By: [Signature]

Kevin Moyes

Regional President

Date of Execution: 4/20/18

G.C. NRG

Dir. HW

D.E.D. [Signature]