

**AMENDMENT NO. 1  
TO THE  
CONTRACT FOR  
COMMERCIAL REMODELING AND CONSTRUCTION SERVICES  
BETWEEN  
THE TEXAS FACILITIES COMMISSION  
AND  
GADBERRY CONSTRUCTION COMPANY, INC.**

**THIS AMENDMENT NO. 1** is entered into by and between the Texas Facilities Commission (hereinafter referred to as "TFC"), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701 and Gadberry Construction Company, Inc. (hereinafter referred to as "Contractor"), located at 1312 Conant Street, Dallas, Texas 75207, to amend the original Contract between the parties (hereinafter referred to as the "Contract").

WHEREAS, on or about July 18, 2017 the parties entered into that one certain *Commercial Remodeling and Construction Services Contract* (hereinafter referred to as the "Contract"); and

WHEREAS, in keeping with Contract Sections 3.01, Payments to Contractor, and 10.22 Entire Contract & Modification, the parties desire to amend the Contract to modify Section 1.01(c.) for administrative purposes, to provide for additional funding, and to include a prohibition against contracting with a company doing business with Iran, Sudan, or a foreign terrorist organization in response to the enactment of Senate Bill 252, Texas 85<sup>th</sup> Regular Legislative Session on September 1, 2017;

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

1. The parties agree to modify ARTICLE I – STATEMENT OF WORK, SECTION 1.1 – SERVICE REQUIREMENTS, Subsection c, by deleting Subsection (c.) in its entirety, and replacing it with Subsection (c.) as follows:

“(c.) Each Delivery Release will be subject to the terms and conditions set forth in this Contract, and shall include a description of the project assignment, scope of services, schedule and term, and compensation specific to the Delivery Release which shall be negotiated at the time of such Delivery Release.”

2. The parties agree to modify ARTICLE III – CONSIDERATION, Section 3.01(a.), Contract Limit and Fees and Expenses, to reflect additional funding in the amount of Three Hundred Seventy-Four Thousand and No/100 Dollars (\$374,000.00), thus increasing the total amount of the Contract from Seven Hundred Fifty Thousand and No/100 Dollars (\$750,000.00), to a total not to exceed amount of One Million One Hundred Twenty-Four Thousand and No/100 Dollars (\$1,124,000.00).

3. Subject to Legislative mandate, TFC hereby modifies ARTICLE IX – CONTRACTOR GENERAL AFFIRMATIONS, by adding Section 9.16, as follows:

**“9.16. PROHIBITION AGAINST CONTRACTING WITH COMPANIES ENGAGED IN BUSINESS WITH IRAN, SUDAN, OR FOREIGN TERRORIST ORGANIZATIONS.** In accordance with Section 2251.152 of the Texas Government Code, TFC is prohibited from entering into a governmental contract (as defined in Texas Government Code Section 2252.151(3)) with a company that is identified on a list prepared and maintained under Texas Government Code Section 806.051, 807.051, or 2252.153. If contractor is on the above-referenced list the Contract will be considered void or voidable and TFC will not be responsible to pay Contractor for any work performed.”

Except as expressly amended above, all provisions of the Contract remain in full force and effect.

In Witness Whereof, the parties hereto have made and executed this Amendment No. 1 to this Contract to be effective as of the date of the last party to sign.

TEXAS FACILITIES COMMISSION

GADBERRY CONSTRUCTION COMPANY,  
INC.

By: JSBH

By: [Signature]

John S. Raff

Print Name: Dustin Gadberry

Interim Executive Director

Print Title: Chief Executive Officer

Date of execution: 6.19.18

Date of execution: 06/13/2018

GC. NRS

Dir. CDW

D.E.D. [Signature]