

**CONSTRUCTION MANAGER-AT-RISK CONTRACT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
KIEWIT BUILDING GROUP, INC.**

AMENDMENT NO 3

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 1.25) and Kiewit Building Group, Inc. (hereinafter referred to as "CMR"), located at 13119 Old Denton Road, Fort Worth, Texas 76117 (hereinafter referred to collectively as the "Parties"), enter into the following *Amendment No. 3 to the Construction Manager-at-Risk Contract between the Texas Facilities Commission and Kiewit Building Group, Inc.* (hereinafter referred to as the "Amendment No. 1").

Recitals:

WHEREAS, on September 17, 2015, the Parties entered into that one certain *Construction Manager-at-Risk Contract Between the Texas Facilities Commission and Kiewit Building Group, Inc.* (hereinafter referred to as the "Contract"); and

WHEREAS, on January 6, 2017 CMR delivered a Guaranteed Maximum Price Proposal No. 4 ("GMP Proposal No. 4") for the next phase of the Project; and

WHEREAS, the work to be performed requires additional funding in the amount of One Hundred Ninety and No/100 Dollars (\$190,000.00); and

WHEREAS, the Parties desire to amend the Contract, as amended, in order to memorialize the agreed upon additional construction management services to be performed under GMP No. 4.

NOW, THEREFORE, the Parties hereby agree, as follows:

1. Subject to the terms and conditions of the Contract, as amended, and this Amendment No. 3, the Parties hereby agree to amend ARTICLE IV-CONSIDERATION, SECTION 4.2 – CONTRACT SUM-COMPONENTS by reflecting additional compensation to be paid in the amount of One Hundred Ninety Thousand and No/100 Dollars (\$190,000.00) thus increasing the Contract Sum from Three Million Seven Hundred Ninety Thousand and No/100 Dollars (\$3,790,000.00) to a new total not to exceed of Three Million Nine Hundred Eighty Thousand and No/100 Dollars (\$3,980,000.00), which is the sum of the components indicated in SECTIONS 4.2.1 through 4.2.6.

2. The Parties hereby agree to further amend ARTICLE IV – CONSIDERATION, SECTION 4.1 – CONTRACT SUM-COMPONENTS, by deleting SECTIONS 4.2.1 through 4.2.6 in their entirety and replacing them, as follows:

4.2.1. Pre-Construction Management Fee. The Pre-Construction Management Fee not to exceed Sixty Thousand Six Hundred Ninety Nine and No/100 Dollars (\$60,699.00).✓

4.2.2. Construction Management Fee. The Construction Management Fee not to exceed five and one-half percent (5.5%) of the Cost of Work, which sum shall not exceed One Hundred Sixty Nine Thousand Six Hundred Seventy Five and No/100 Dollars (\$169,675.00).✓

4.2.3. General Conditions Fee. The General Conditions Fee not to exceed Five Hundred Fifty One Thousand Four Hundred Seventy Five and No/100 Dollars (\$551,475.00), which sum will be finalized as part of the Contract Sum in the GMP Acceptance.

4.2.4. Cost of Work. The Cost of Work not to exceed Three Million Eighty Five Thousand Two and No/100 Dollars (\$3,085,002.00).✓

4.2.5. TFC Controlled Contingency. The TFC Controlled Contingency of One Hundred Thirteen Thousand One Hundred Forty Nine and No/100 Dollars (\$113,149.00), which sum shall be maintained through construction, and included in the Contract Sum and finalized in the GMP Acceptance.

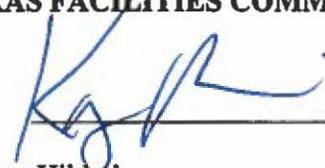
4.2.6. Unused Contingencies. Any unused portion of the CMR Contingency and the TFC Controlled Contingency shall be returned to TFC at the completion of the Project through a credit Change Order to the Contract Sum.”

Except as expressly amended by this Amendment No. 3, the Contract, as amended, remains in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment No. 3 to be effective as of the date of the last Party to sign.

TEXAS FACILITIES COMMISSION

KIEWIT BUILDING GROUP, INC.

By: 

By: 

Harvey Hilderbran

Kenneth J. McIalwain

Executive Director

Senior Vice President

Date of Execution: 12/15/17

Date of Execution: 12/13/2017

G.C. 

Dir. 

D.E.D. 