

**AMENDMENT NO. 1
TO THE
CONSTRUCTION SERVICES CONTRACT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
TRIMBUILT CONSTRUCTION INCORPORATED**

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 Trimbuilt Construction, Incorporated (hereinafter referred to as "Contractor"), located at 12800 North Lamar, Austin, Texas 78753 to amend the original Contract between the parties (hereinafter referred to as the "Contract").

WHEREAS, changed circumstances require mutually desirable modifications to the scope of services, fees and term, of the Contract; and,

WHEREAS, the parties desire to amend certain terms to their mutual benefit to reflect the changed circumstances;

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

1. The parties hereby agree to modify ARTICLE II – DESCRIPTION OF PROJECT & SCOPE OF SERVICES, SECTION 2.2.2 –CONSTRUCTION PHASE, by adding SECTION 2.2.16, as follows:

“2.2.16. Provide and install damper control relays, fabricate and install thirteen (13) steel supports for new tanks, frame and sheet rock new dampers, and patch holes from flex duct, as more particularly set forth in “Exhibit A-1,” Contractor’s Proposed Change Order Form B dated October 25, 2016, incorporated herein for all purposes.”

2. The parties hereby agree to modify ARTICLE IV – TERM, SUSPENSION AND TERMINATION, SECTION 4.1- CONTRACT TERM, by deleting the section its entirety and replacing it with the following:

“4.1. Contract Term. This Contract shall be effective as of the Effective Date and shall terminate on December 31, 2017, unless extended by the parties by amendment to this Contract or terminated earlier, as provided below.”

3. The parties hereby agree to modify ARTICLE V – CONSIDERATION, SECTION 5.1 – CONTRACT SUM, by reflecting additional compensation to be paid in the amount of Eighteen Thousand Two Hundred Seventeen and 16/100 Dollars (\$18,217.16), thus increasing the Contract Sum from Six Hundred Ninety Nine Thousand Nine Hundred Three and 44/100 Dollars

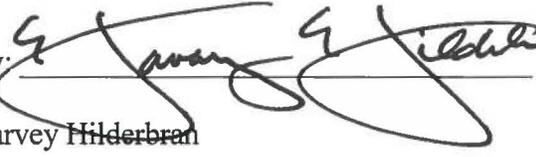
(\$699,903.44) to a new total amount of Seven Hundred Eighteen Thousand One Hundred Twenty and 60/100 Dollars (\$718,120.60).

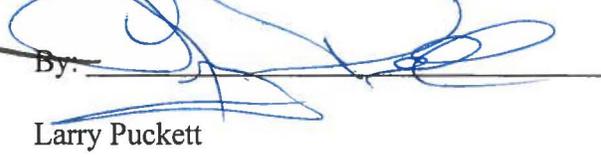
Except as expressly amended above, all provisions of the Contract remain in full force and effect.

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

TRIMBUILT CONSTRUCTION, INC.

By: 
Harvey Hilderbran

By: 
Larry Puckett

Executive Director

President

Date of execution: 1-25-17

Date of execution: 1-24-17

G.C. NRG

Dir. mw

D.E.D. ju

TFC Contact No. 16-108-001
RFP No. 303-6-01250
Project No. 15-017-6067

TFC Contract No. 16-108-000

Trimbuilt Construction, Inc.

Exhibit A-1



CONTRACTOR'S	B
Proposed Change Order Form	

TO: Architect / Engineer

The following is a detailed cost breakdown, including both materials and labor for all additions to and/or deductions from the contract sum if the change described on form A is accepted. (Additional data necessary to support itemized figures is attached and identified below.)

16-108-000
TFC PROJECT NO.

2
PROPOSED CHANGE ORDER NO.

10/25/2016
DATE

Provide and install damper control relays, fabricate and install 13 steel supports for new tanks, and frame/sheet rock for the new dampers / patch holes from flex duct.

Special Fire Systems:	\$6,300.00
Pro-Fab:	\$6,968.00
Trimbuilt:	\$2,600.00
GC Insurance:	\$317.36
Bond Fee:	\$396.70
GC Fee:	\$1,635.10

Total: \$18,217.16

Total Addition / Deduction (circle one) to CONTRACT SUM if accepted:

\$ 18,217.16

Request is made for addition of 0 CALENDAR DAYS to the contract period.

The above proposal is submitted for your consideration. The undersigned contractor understands and agrees that this proposal is validated only by the approved CHANGE ORDER attached hereto

Authorized Signature

Trimbuilt Construction, Inc.

Name of Contracting Firm



Special Fire Systems

October 19, 2016

Trimbuilt Construction Inc.
12800 North Lamar
Austin, Texas 78753

Attn: Nick Mayfield

Re: Fire Smoke Dampers JHW Data Center Fire Suppression System

Dear Nick,

We are pleased to offer this revised proposal to add (2) damper control relays to the Novec™ 1230 fire detection and suppression system for the Southeast Data Center at the John H. Winters Complex in Austin, Texas. This proposal is based our meeting of October 10, 2016.

We propose to provide addressable control relays and 24VDC interposing relays to control fire/smoke damper circuits. The power circuits will be installed by others. The control elements will be configured so that the dampers will close to prepare the appropriate room for discharge of the fire suppression system.

Special Fire Systems will provide the following:

- (2) addressable control relay
- (2) interposing relay
- Installation of raceway, backboxes and wire.
- Installation of field devices.
- Configuration of suppression control panel.
- Demonstration of system to AHJ inspectors.

Total cost for these additions to the fire suppression system in the Southeast Data Center at the John H. Winters Complex will be **\$6,300.00** excluding sales tax.

Excluded from this proposal:

- Electrical Power to fire smoke damper operator
- ACAD.dwg files required to prepare shop drawings
- Sales tax

*12050 Crownpoint Drive, Suite 130 ● San Antonio Texas 78233
210-324-3387 (phone) ● 210-855-9901 (fax)*



Special Fire Systems

This quotation is based upon receiving a change to our subcontract with acceptable terms, particularly indemnification terms. SFS expects to receive the same terms as between the owner and the general contractor.

Any additional work that is not listed as an inclusion above is not included and will require a separate agreement.

Our terms of payment are net 30 days based upon an agreed to schedule of values.

Thank you for the opportunity to be of service to Trimbuilt Construction, Inc. Please feel free to call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Bob Ryan".

Bob Ryan, SET
Special Fire Systems, Inc.

PRO-FAB

Custom Fabrication & Welding, Inc.

7127 FM 2338

Ph: 512-930-7997

Georgetown, TX 78633

Fax: 512-863-9220

Please submit purchase orders to email address: profab2006@aol.com

Proposal

Date: 10-20-16

Proposal submitted to: TRIMBUILT

Attention: NICK MAYFIELD

Project Name: 13 TANK SUPPORT STANDS

We hereby propose to furnish all material and labor necessary for the completion of: FAB AND INSTALL 13 TANK SUPPORT STANDS PER SKETCH PROVIDE (PIPE WELDED TO PLATE EXCLUDES THREADED FITTINGS)

All material is guaranteed to be as specified, unless otherwise noted, and the work to be performed in accordance with the drawings and specifications submitted for the above work and completed in a substantial workmanlike manner for the sum of: \$6968.00

Sales tax is not included in above cost unless noted. Resale or exemption certificates must be provided with contract or sales tax will be added to above cost during billing process.

Standard Certificates of Insurance will be issued at no charge. However, as of 1-1-12 new state laws regarding additional insureds may require additional fees for EVERY named entity on individual certificates. This cost will be in addition to above cost proposal and will be determined based on contractor COI requirements at time of contract award.

Payment Terms: Net 30

Any alteration or deviation from above specification involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon accidents or delays beyond our control.

Prior to commencement of any work a signed copy of this proposal must be returned along with copy of purchase order if required.

Respectfully submitted:

Pro-Fab Custom Fabrication & Welding, Inc.

By: GERALD HENDERSON

Note: Pro-Fab may withdraw this proposal if not accepted within 10 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. Pro-Fab is authorized to do the work as specified. Payment will be made as outlined above.

Accepted: Name _____ Signature: _____

Date: _____ Title: _____

Purchase Order No. _____ (If no purchase order required please note)



Trimbuilt Construction, Inc.
On time. Every time.

JHW

Change Order

To: Nick

Job#5992E

	Amount
Cut out/ frame/ sheetrock 2 firewall dampers	\$ 350.00
Patch 16 holes where flex duct went through walls	\$ 2,250.00
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL	\$ 2,600.⁰⁰

If you have any questions, please contact me at (512) 832-1979.

Submitted by:
Trimbuilt Construction, Inc.

Date: 8/16/2016 *Quote expires in 90 days if not accepted, and is subject to escalation rates based on commencement date of project*