

TFC Contract No. 17-063-000
Amendment No. 4
Flynn Construction, Inc.
Project Nos. 18-012-5420 & 18-013-5551

**AMENDMENT NO. 4
TO
CONSTRUCTION MANAGER-AT-RISK CONTRACT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
FLYNN CONSTRUCTION, INC.**

The Texas Facilities Commission, a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as “TFC”), as Owner (as defined in UGC, Section 1.28) and Flynn Construction, Inc, a Texas corporation located at 4638 South Lamar Boulevard, Austin, Texas 78745 (hereinafter referred to as “CMR”) (hereinafter referred to collectively as the “parties”), enter into the following *Amendment No. 4 to Construction Manager-at-Risk Contract between the Texas Facilities Commission and Flynn Construction, Inc.* (hereinafter referred to as “Amendment No. 4”) pursuant to Tex. Gov’t Code Ann. §§ 2166.2525 and 2267.251 (West 2018), to be effective as of the date of the last signature affixed below.

Recitals:

WHEREAS, on or about March 29, 2017, the Parties entered into that one certain *Construction Manager-at-Risk Contract Between the Texas Facilities Commission and Flynn Construction, Inc.* (hereinafter referred to as the “Contract”); and

WHEREAS, on September 12, 2017, the Parties entered into Amendment No. 1 for the purpose of expanding the Scope of Services, extending the Term, and increasing the Consideration; and

WHEREAS on May 4, 2018 the Parties entered into Amendment No. 2 for the purpose of making substitutions to the Supplementary General Conditions; and

WHEREAS on September 6, 2018, the Parties entered into Amendment No. 3 to provide for Additional Services and compensation; and

WHEREAS, subject to Contract Section 2.1.4, TFC Approvals, the Parties desire to enter into this Amendment No. 4 to extend the Contract Term;

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

1. The parties amend Article III, Term, Suspension, and Termination, to delete Section 3.1, in its entirety and replace it with Section 3.1, as follows.

“3.1 Contract Term. This Contract shall be effective as of the Effective Date and shall terminate on June 30, 2021, unless extended by the parties by amendment to this Contract or terminated earlier, as provided below.”

TFC Contract No. 17-063-000
Amendment No. 3
Flynn Construction, Inc.
Project Nos. 18-012-5420 & 18-013-5551

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

TEXAS FACILITIES COMMISSION

By: DocuSigned by:
Mike Novak, Executive Director
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Mike Novak

Executive Director

Date of execution: 10/27/2020 | 4:29 PM CDT

PM DS
KS

GC DS
SEH

Dir DS
MW

DED DS
JK

FLYNN CONSTRUCTION, INC.

By: DocuSigned by:
L. Patrick Flynn, President & CEO
A23D99C8B8C1417...

L. Patrick Flynn, Jr.

President and CEO

Date of execution: 10/27/2020 | 11:16 AM PDT