

**AMENDMENT No. 1 SUPPLEMENTAL AGREEMENT TO DESIGN-BUILD
CONTRACT BETWEEN OWNER AND DESIGN/BUILDER
FOR CONSTRUCTION OF MIDDLE SCHOOL NO. 11**

DATE: August 18, 2021

CONTRACT DATE: June 2, 2014

OWNER: United Independent School District
201 Lindenwood
Laredo, Texas 78041
Telephone Number: (956) 473-6219

CONTRACTOR: Leyendecker Construction of Texas, Inc.
4220 Sanders
Laredo, Texas 78041
Telephone Number: (956) 722-0531

PROJECT: Design Build Contract for Construction of Middle School No. 11, currently known as Ricardo Molina Middle School

WHEREAS United Independent School District (hereinafter referred to as “Owner”) and Leyendecker Construction of Texas, Inc. (hereinafter referred to as “Design/Builder”) and collectively referred to as the “Parties” entered into a Design Build Contract on June 2, 2014, consisting of design/build services for three new middle schools, including Middle School No. 11, on behalf of Owner, (“Design-Build Contract”);

WHEREAS, on or about September 17, 2019, Owner and Design/Builder executed a Supplemental Agreement (“Supplemental Agreement”) to the Design-Build Contract providing for the design and construction of Middle School No. 11;

WHEREAS, the Supplemental Agreement provided a Guaranteed Maximum Price (“GMP”) for the Project in the amount of **TWENTY-ONE MILLION SEVEN HUNDRED NINETY THOUSAND DOLLARS EIGHT HUNDRED NINETY-SIX DOLLARS (\$21,790,896.00)**, which included a construction contingency allowance and technology equipment and systems allowance as well as architect and engineering fees.

WHEREAS, the Supplemental Agreement also included an allowance for a Fire Protection Storage Tank and Pump in the amount of One Hundred and Twenty-Five Thousand Dollars (\$125,000.00).

WHEREAS, after performance of the contract began, Owner was informed by Design-Builder the Fire Protection Storage Tank and Pump were not required for the Project as confirmed in a memorandum dated August 12, 2020, from City of Laredo Fire Inspector R. Soto.

WHEREAS, Owner and Design/Builder desire to and agree to amend the Supplemental Agreement to the Design-Build Contract to provide a credit to Owner and reduce the contract sum in the amount of ONE HUNDRED THIRTY-NINE THOUSAND ONE HUNDRED AND FIFTY DOLLARS (\$139,150.00), which includes the \$125,000.00 allowance for the Fire Protection Storage Tank as well as contractor fees and bonding in the amount of \$14,150.00.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Article 1 Guaranteed Maximum Price of the Supplement Agreement shall be revised as detailed in **Exhibit A, which is attached to and made a part of this Contract Amendment No. 1.**:

Design Builder's GMP for the Work described in the Agreement (the ("GMP")), including the Cost of the Work, (Cost of Construction plus Design Service Fee), the Construction allowance and Technology Equipment and Systems allowance, is **TWENTY-ONE MILLION SIX HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED FORTY-SIX DOLLARS. (\$21,651,746.00)**. The attached Exhibit "A" is a part of the Supplemental Agreement and Contract Documents as if it was physically incorporated therein:

2. Except as set forth in this Amendment, the Supplemental Agreement and Design-Build Contract are unaffected and shall continue in full force and effect in accordance with its terms.

3. The recitals set forth above are incorporated into and made a part of this Contract Amendment.

Contractor: Leyendecker Construction of Texas, Inc.

Gary Leyendecker
President

Date

Owner: United Independent School District

David H. Gonzalez
Superintendent of Schools

Date