

**FIRST AMENDMENT
TO
DESIGN-BUILD CONTRACT
ARCHITECTURAL AND ENGINEERING
DESIGN AND CONSTRUCTION SERVICES
FOR POLICE STATION AT ST. MARY'S STREET
PROJECT NUMBER: 23-01735**

This first amendment to the Design-Build Contract for the Police Station at St. Mary's Street Project, authorized by Ordinance No. _____, is entered into by and between the City of San Antonio ("City"), a home rule municipal corporation, and F.A. Nunnally Company ("Design-Builder"), referred to collectively herein as the "Parties".

WHEREAS, in May 2018, through Ordinance 2020-12-10-0889, the City and Design-Builder entered into the Design-Build Contract for the Police Station at St. Mary's Street Project in an amount not to exceed \$10,550,000.00 ("Original Agreement"); and

WHEREAS, the Public Works Department is projecting an estimated \$3,600,000.00 shortfall to complete the construction of the Police Station at St. Mary's Street due to escalation in the prices for construction material and labor;

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement is amended as follows:

1. **Article 8.1 Contract Price.** The Contract Price set out in Article 8.1 of the Original Agreement is hereby increased by THREE MILLION FIVE HUNDRED TWENTY ONE THOUSAND TWO HUNDRED NINETY AND 00/100 DOLLARS (\$3,521,294.00) for a not-to-exceed Contract Price of FOUTREEN MILLION SEVENTY ONE THOUSAND TWO HUNDRED NINETY FOUR AND 00/100 DOLLARS (\$14,071,294.00).
2. **Article 8.1.** The second sentence of Article 8.1 is deleted in its entirety and replaced with the following:

City agrees to perform its responsibilities so as to assist Design-Builder to facilitate the completion of the Construction Work and represents to Design-Builder that there will be sufficient funds available to pay Design-Builder up to the **GMP's not to exceed amount of FOUTREEN MILLION SEVENTY ONE THOUSAND TWO HUNDRED NINETY FOUR AND 00/100 DOLLARS (\$14,071,294.00)**, as adjusted by any Change Order.

Except as amended hereby, all other provisions of the Agreement and the First Amendment are hereby retained in their entirety and remain unchanged.

EXECUTED and **AGREED** to as of the dates indicated below.

City Of San Antonio

F.A. Nunnelly Company

(Signature)
Razi Hosseini
Interim Director
Transportation & Capital
Improvements Department
Date:

(Signature)
Printed Name: _____
Title: _____
Date: _____

Approved as to Form:

Assistant City Attorney