

**AMENDMENT NO. 2 TO AGREEMENT
BETWEEN OWNER AND CONSTRUCTION MANAGER**

Pursuant to Paragraph 2.2 of the Agreement, dated between Tom Green County, Texas (Owner) and Templeton Construction Co., Inc., (Construction Manager), for expansion and renovation of the Tom Green County Library (the Project), the Owner and Construction Manager establish a Guaranteed Maximum Price and Contract Time for the Work as set forth below.

**ARTICLE 1
GUARANTEED MAXIMUM PRICE**

The Construction Manager's Guaranteed Maximum Price for the Work, including the estimated Cost of the Work as defined in Article 6 and the Construction Manager's Fee as defined in Article 5, is Two Million Eighty-Nine Thousand Three Hundred Eighty-Five and No/100 Dollars (\$2,089,385.00).

This Price is for the performance of the Work in accordance with the Contract Documents listed and attached to this Amendment and marked Exhibits A through F, as follows:

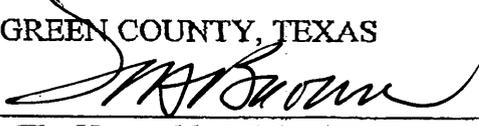
- Exhibit A Drawings, Specifications, addenda and General, Supplementary and other Conditions of the Contract on which the Guaranteed Maximum Price is based, pages through date January 15, 2008.
- Exhibit B Allowance items, pages through dated January 15, 2008.
- Exhibit C Assumptions and clarifications made in preparing the Guaranteed Maximum Price, pages through, dated January 15, 2008.
- Exhibit D Completion schedule, pages through, dated January 15, 2008.
- Exhibit E Alternate prices, pages through, dated January 15, 2008.
- Exhibit F Unit prices, pages through, dated January 15, 2008.

**ARTICLE 2
CONTRACT TIME**

The date of Substantial Completion established by this Amendment is: (See Exhibit D)

OWNER

TOM GREEN COUNTY, TEXAS

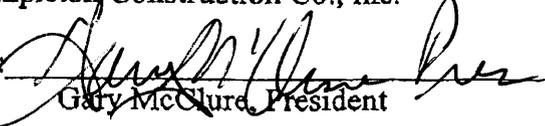
By: 

The Honorable Michael D. Brown
Tom Green County Judge, in his
official capacity and not individually

Date: 4.15.08

CONSTRUCTION MANAGER

Templeton Construction Co., Inc.

By: 

Gary McClure, President

Date: 4.15.08

Tom Green County
Structural Steel / Concrete / Demo Bid Packages
Exhibit A
Dated January 15, 2008

DRAWINGS, SPECIFICATIONS, ADDENDA, BIDDING DOCUMENTS

BIDDING DOCUMENTS

- Section CMAR – 1 Invitation for Proposals dated 10-4-07
- Section CMAR – 2 Instructions to Bidders dated 10-4-07
- Section CMAR – 3 Proposal Package
- Section CMAR – 4 Proposal Form dated 10-4-07
- Prevailing Wage Scale

SPECIFICATIONS

- See Attachment A – Table of Contents

DRAWINGS

- See Attachment B – Drawing Index

ADDENDA

- Addendum No. 1 dated October 15, 2007
- Addendum No. 2 dated October 24, 2007
- Clarifications dated October 30, 2007

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Tom Green County
Structural Steel / Concrete / Demo Bid Packages
Exhibit B
Dated January 15, 2008

ALLOWANCES

These are the allowances included in the base bid proposal which will be utilized as they pertain to this Amendment and the Bid Packages to be executed.

1. Shoring Allowance: Per Exhibit C, We have included an allowance of \$ 40,000 to install shoring designed by the A/E team.

Tom Green County
Structural Steel / Concrete / Demo Bid Packages
Exhibit C
Dated January 15, 2008

ASSUMPTIONS AND CLARIFICATIONS

These are the assumptions and clarifications included in the base bid proposal which will be utilized as they pertain to the Bid Packages to be performed in this Amendment.

DIVISION 1 – GENERAL CONDITIONS

1. A building permit is excluded.
2. ***Builder's risk insurance has been excluded and is to be by owner.***
3. No cost for plans and specification reproduction has been included in our price.
4. Asbestos abatement, monitoring, or removal is excluded.
5. ***No demolition work other than concrete slabs may be performed without a proper asbestos survey of the building.***
6. We exclude engineered and sealed designs such as the wall shoring reflected in Note 6 of the S sheets. We have included an allowance of \$ 40,000 to install shoring designed by the A/E team.
7. The plans and specs have a number of references to engineering. No engineering costs have been included in our price (Ex. Including but not limited to drawing notes 6 on S203; Specification Sections 1351, 5400, 5500 and 05510 (as it relates to Stair number 2)).
8. Any required stamps and seals and the costs associated with that design and/or engineering has been excluded. The steel fabricator will design connections and provide calculations based on the project structural engineer providing all beam sizes and engineered and calculated end reactions for the members.
9. Where mockups are indicated they are included as a permanent part of the work with one mockup only. Re-design or re-working of these mockups is not included in the pricing.
10. No testing laboratory services have been included in our price. The cost of these services is to be by the owner.

DIVISION 2 – SITEWORK

1. No demolition, repair or modifications to existing brick has been included unless specifically modified because of new openings or changes to the structure.
2. Costs associated with the removal and replacement of the existing parapet, should that prove to be necessary, is excluded.
3. Our price is based on the use of the existing freight elevator for use in moving of materials for the project.

DIVISION 3 – CONCRETE

1. Lightweight Insulated Concrete is excluded. None shown on drawings.
2. No white cement has been included at basement columns.
3. No self compacting concrete material has been included in our price. Specifications were not provided and none was indicated for use.
4. Footings based on a depth of 4'. Additional depth, if required, will be on a time and material basis.
5. We exclude ACI certified technicians (RE: spec section 03300).

DIVISION 5 – METALS

1. Powder coating at stairs is excluded. Field painting is included
2. Type A Rail – Provide complete specification showing size and gauge of metal, welding as required and painting requirements. No powder coating has been included. Manufacturer has indicated that the curved sections of the rail need to be modified to a straight condition as their product will not work on a curve.
3. Based on drawing SKA 42 it appears that rails may need to be added at intermediate landings. No cost for these rails has been included.
4. Detail 7A543 does not reflect a size and detail of the angle iron nor is it found in the structural drawings. We have included back to back 3 ½ x 3 ½ x ¼ primed (not galvanized) angle for this detail.

**Tom Green County
Structural Steel / Concrete / Demo Bid Packages
Exhibit D
Dated January 15, 2008**

COMPLETION SCHEDULE

Contractor's Time of Completion shall be **8 months** from the notice to proceed.

Tom Green County
Structural Steel / Concrete / Demo Bid Packages
Exhibit E
Dated January 15, 2008

ALTERNATES

These are the alternates affecting this Amendment that have been accepted by the owner as of January 15, 2008.

- Alternate No. 1: To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to finish out the basement floor as described in Section 01100 of the specifications and in Section 4 of the Instructions to Proposers (CMAR-2) of the Bidding Documents.
- Alternate No. 2: To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to finish out the second level as described in Section 01100 of the specifications and in Section 4 of the Instructions to Proposers (CMAR-2) of the Bidding Documents.
- Alternate No. 7: To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to delete the lightwell as described in Section 01100 of the specifications and in Section 4 of the Instructions to Proposers (CMAR-2) of the Bidding Documents.
- V.E. Item #9 To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to replace the delta stud and structural glass stair #2 with standard pan stair with alternate tread finish as outlined in the Cost Reduction Options dated December 7, 2007.
- V.E. Item #10 To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to

provide type B railing (7/A830) in lieu of ornamental glass and railing as outlined in the Cost Reduction Options dated December 7, 2007.

V.E. Item #56A

To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to reduce strength of site concrete from 4500 psi to 3000 psi as outlined in the Cost Reduction Options dated December 7, 2007.

V.E. Item #56B

To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to delete colored concrete as outlined in the Cost Reduction Options dated December 7, 2007.

V.E. Item #78

To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to use standard TS columns in lieu of metal studs to support interior glazing as outlined in the Cost Reduction Options dated December 7, 2007.

V.E. Item #89

To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to delete clerestory glass associated with Stair #2 as outlined in the Cost Reduction Options dated December 7, 2007.

V.E. Item #90

To the base bid, Amendment 2 proposal provide all labor, material, and equipment, except as otherwise noted herein, to perform all work associated with Bid Packages 1, 9, 12, and 13 detailed in the Bidding Documents (CMAR-3) to Substitute Type "B" rail for type "A" rail as outlined in the Cost Reduction Options dated December 7, 2007.

Tom Green County
Structural Steel / Concrete / Demo Bid Packages
Exhibit F
Dated January 15, 2008

UNIT PRICES

These are the unit prices included in the base bid proposal which will be utilized as they pertain to the Bid Packages to be performed in this Amendment.

1. Paver Unit Price: Per Exhibit C, for labor only to provide sand and lay pavers furnished by others in lieu of concrete sidewalks is \$7.70 per s.f plus markup for a minimum of 100 s.f.
2. Rock Coring: Per Exhibit C, no cost for rock coring or rock penetrations have been included. The unit price of \$800 / c.y. shall be utilized for coring of rock on the project with regards to the plumbing work. This unit price will also be utilized for coring associated with concrete modifications.