

FIRST AMENDMENT  
TO  
CONSTRUCTION AGREEMENT

THIS FIRST AMENDMENT to the Construction Agreement dated August 3, 2017, is made and entered into ~~October~~ 2018 (the "First Amendment") between ETS Contracting, INC., having an office located at 160 Clay Street, Brooklyn, NY 11222 ("Contractor"), and the HOUSING TRUST FUND CORPORATION, having its principal office at 38-40 State Street, Albany, New York 12207 ("HTFC").

WITNESSETH:

WHEREAS, Contractor was successfully admitted to the Prequalified List (PQL) for RFQ#201510\_039 on April 12, 2017; and

WHEREAS, Contractor was a successful bidder pursuant to initial Invitations for Bid (IFB) #'s 063 and 064, released on June 23, 2017 and June 30, 2017 respectively; and

WHEREAS, HTFC and Contractor entered into a Construction Agreement (The "Agreement") on August 3, 2017, and made effective on July 28, 2017, pursuant to which Contractor provides certain services in support of HTFC's administration of the State of New York's Community Development Block Grant-Disaster Recovery ("CDBG-DR") program; and

WHEREAS, HTFC's Governor's Office of Storm Recovery ("GOSR") is specifically tasked with administering the State of New York's CDBG-DR program and therefore oversees and administers this Agreement; and

WHEREAS, HTFC and Contractor's Contract Price in the Construction Agreement totaled \$1,000,000.00; and

WHEREAS, HTFC wishes to obtain additional services from Contractor that are within the scope of services sought under the RFQ and provided by Contractor under the Agreement; and

WHEREAS, HTFC seeks to extend the Term of the Agreement to July 27, 2019; and

WHEREAS, HTFC/GOSR and Contractor desire to amend the Agreement by means of this First Amendment to extend the Term for an additional one (1) year, with no change in Contract Price, in order to allow Contractor to perform additional services;

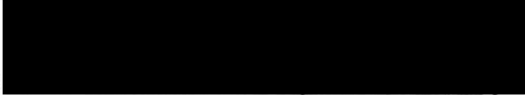
NOW, THEREFORE, pursuant to and in consideration of the above, and other mutual covenants and obligations herein contained, it is

STIPULATED AND AGREED as follows:


1. Section 4.3 of Article 4 is hereby deleted and replaced with the following:  
"4.3 Period of Performance. Contractor will perform the Work set forth in all applicable Work Orders under this Construction Agreement during the period: **July 28, 2017 thru July 27, 2019**".
2. All other terms and conditions, including appendices, attachments, exhibits, riders, prior Amendments, and Letter Agreements to the Agreement are hereby continued in full force and effect as though set forth herein.

IN WITNESS WHEREOF, the parties executed this First Amendment on the day and year first above written.

**ETS Contracting, Inc.**

By:   
Name: Andrzej Barnowski  
Title: President  
Date: 9/28/2018

**Housing Trust Fund Corporation**

By:   
Name: Daniel Greene  
Title: General Counsel,  
Governor's Office of Storm Recovery  
Date: 10/1/18