

SECOND AMENDMENT
TO
CONSTRUCTION AGREEMENT

THIS SECOND AMENDMENT to the Construction Agreement dated January 20, 2017, is made and entered to on ~~January 11~~ February 11, 2019 (the "Second Amendment") between Ben's General Contracting Corp. having an office located at 19 Suffolk Street, Freeport, NY 11520, ("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#201603_047 on October 6, 2016; and

WHEREAS, Contractor was a successful bidder pursuant to an initial Invitation for Bid (IFB) #0037E released on November 2, 2016 and awarded on November 22, 2016; and

WHEREAS, HTFC and Contractor entered into a Construction Agreement (the "Agreement") on January 20, 2017 and made effective on December 2, 2016, 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 \$5,000,000.00; and

WHEREAS, GOSR 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 and Contractor entered into a First Amendment to the agreement on February 8, 2018 which extended the term to December 1, 2018.

WHEREAS, GOSR seeks to extend the Term of the Agreement to December 1, 2019; and

WHEREAS, HTFC/GOSR and Contractor desire to amend the Agreement by means of this Second Amendment to extend the Term of the Agreement 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:
December 2, 2016 through December 1, 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 Second Amendment on the day and year first above written.

Ben's General Contracting Corp.

By: 
Name: Ben Jackson
Title: President
Date: 1/31/2019

Housing Trust Fund Corporation

By: 
Name: Emily Thompson
Title: Acting General Counsel,
Governor's Office of Storm Recovery
Date: 2/11/19