

FOURTH AMENDMENT
TO
CONSTRUCTION AGREEMENT

THIS Fourth AMENDMENT to the Construction Agreement dated August 3, 2017, is made and entered into ~~October 29~~, 2019 (the "FOURTH 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 and Contractor entered into a First Amendment to the Agreement on October 1, 2018 which extended the Agreement Term to July 27, 2019 with no change in Agreement Amount; and

WHEREAS, HTFC and Contractor entered into a Second Amendment to the Agreement on January 8, 2019 which increased the Agreement Amount to \$1,100,000.00 with no change in Term; and

WHEREAS, HTFC and Contractor entered into a Third Amendment to the Agreement on May 24, 2019 which increased the Agreement Amount to \$2,100,000.00 with no change in Term; 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, 2020; and.

WHEREAS, HTFC/GOSR and Contractor desire to amend the Agreement by means of this Fourth Amendment to extend the Term for an additional one (1) year, to July 27, 2020, with no change in Agreement amount, 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, 2020.**"
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 Fourth Amendment on the day and year first above written.

ETS Contracting, Inc

By: 
Name: Andrzej Barnowski
Title: President
Date: 10/22/2019

Housing Trust Fund Corporation

By: 
Name: Emily Thompson
Title: Acting General Counsel,
Governor's Office of Storm Recovery
Date: 10-23-19