

FOURTH AMENDMENT  
TO  
CONSTRUCTION AGREEMENT

THIS FOURTH AMENDMENT to the Construction Agreement dated March 9, 2016 is made and entered into <sup>August</sup> July ~~6~~, 2019 (the "FOURTH Amendment") between RAPID CONSTRUCTION AND MANAGEMENT, having an office located at 1507-10 Smithtown Avenue, Bohemia, NY 11716 ("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\_040 on January 12, 2016; and

WHEREAS, Contractor was a successful bidder pursuant to initial Invitations for Bid (IFB) #'s 001, 002, and 004 on 2/16/16, 2/17/16, and 3/1/16 respectively; and

WHEREAS, HTFC and Contractor entered a Construction Agreement (the "Agreement") on March 9, 2016, and made effective March 9, 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 \$1,000,000.00; and

WHEREAS, HTFC and Contractor entered into a First Amendment to the Agreement on February 10, 2017 which increased the Total Fee to \$2,000,000.00 and extended the Agreement Term to March 8, 2018; and

WHEREAS, HTFC and Contractor entered into a Second Amendment to the Agreement on August 14, 2017 which increased the total fee to \$3,000,000.00 and extended the Agreement Term to July 15, 2018; and

WHEREAS, HTFC and Contractor entered into a Third Amendment to the Agreement on September 18, 2018 which extended the Agreement Term to July 15, 2019; 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, GOSR seeks to extend the Term of the Agreement to July 15, 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, 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:

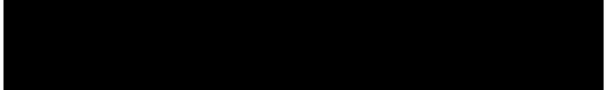
1. Section 4.3 of Article 4 is hereby deleted and replaced with the following:  
"4.3 Period of Performance. Contractor will perform the Work set forth in all applicable Work Orders under this Construction Agreement during the period:  
**March 9, 2016 thru July 15, 2020**".
2. All other terms and conditions, 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.

**Rapid Construction and Management**

By:   
Name: Kenneth J. Swamy  
Title: President  
Date: 8/6/19

**Housing Trust Fund Corporation**

  
Name: Shin Kim  
Title: Acting General Counsel, COO  
Governor's Office of Storm Recovery  
Date: 8/6/2019

