

FIFTH AMENDMENT
TO
CONSTRUCTION AGREEMENT

THIS FIFTH AMENDMENT to the Construction Agreement dated August 1, 2016, is made and entered into June 26, 2019 (the "Fifth Amendment") between ADVANCED BUILDERS & LAND DEVELOPMENT, INC., having an office located at 400 Oser Avenue, Suite 2300, Hauppauge, NY 11788 ("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_40 on January 12, 2016; and

WHEREAS, Contractor was a successful bidder for work attributable to said RFQ#201510_40, pursuant to an initial Invitation for Bid (IFB) #0015E issued on May 2, 2016; and

WHEREAS, Contractor was subsequently successfully admitted to the Prequalified List (PQL) for RFQ#201603_047 on November 28, 2016; and

WHEREAS, Contractor was a successful bidder for work attributable to said RFQ#201603_047, pursuant to an initial Invitation for Bid (IFB) #047E issued on December 1, 2016; and

WHEREAS, the scope of work for these RFQ's is substantially similar such that, for administrative ease, they may properly be combined in a single Construction Agreement; and

WHEREAS, HTFC and Contractor entered into a Construction Agreement (the "Agreement") on August 1, 2016, and made effective on May 18, 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, HTFC and Contractor entered a First Amendment to the Agreement on October 24, 2016 which clarified and amended the insurance provisions with no change in Contract Amount or Term; and

WHEREAS, HTFC and Contractor entered a Second Amendment to the Agreement on January 31, 2017 which increased the total fee by \$5,000,000.00, to a revised contractor price of \$10,000,000.00, and extended the term of the agreement for an additional one (1) year, to May 17, 2018; and

WHEREAS, HTFC and Contractor entered a Third Amendment to the Agreement on October 28, 2017 which increased the total fee by \$5,000,000.00, to a revised contract price of \$15,000,000.00,

with no change in Term, in order to allow Contractor to perform additional services including work attributable to the second RFQ# 201603_047; and

WHEREAS, HTFC and Contractor entered a Fourth Amendment to the Agreement on July 3, 2018 which extended the term of the contract for an additional one (1) year, to May 17, 2019, with no change in Total Fee; 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 May 17, 2020, with no change in Total Fee; and

WHEREAS, HTFC/GOSR and Contractor desire to amend the Agreement by means of this Fifth Amendment in order to extend the Term of the Agreement to May 17, 2020 to allow Contractor to perform additional services;

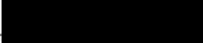
NOW, THEREFORE, pursuant to and in consideration of the above, and other mutual covenants and obligations herein contained, it is

STIPULATED AND AGREED as follows:

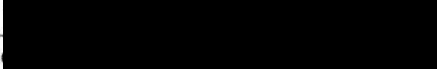
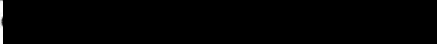
1. Section 4.3 of Article 4 is hereby deleted and replaced with the following:
"4.3 Period of Performance. Contractor will perform the Work set forth in all applicable Work Orders under this Construction Agreement during the period: **May 18, 2016 thru May 17, 2020**".
2. All other terms and conditions, 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 Fifth Amendment on the day and year first above written.

Advanced Builders & Land Development, Inc.

By: 
Name: Olga Baram
Title: President
Date: 06/25/2019

Housing Trust Fund Corporation

By: 
Name: 
Title: Acting General Counsel,
Governor's Office of Storm Recovery
Date: 06/26/2019