

FIFTH AMENDMENT
TO
CONSTRUCTION AGREEMENT

THIS FIFTH AMENDMENT to the Construction Agreement dated July 11, 2016, is made and entered into November 22, 2017 (the "Fifth Amendment"), between ALMAS CONSTRUCTION, LLC., having an office located at 263 Route 25A, Wading River, NY 11792 ("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_040, pursuant to an initial Invitation for Bid (IFB) #0013E issued on May 16, 2016; and

WHEREAS, Contractor was successfully admitted to the Prequalified List (PQL) for RFQ# 201603_047 on August 11, 2016; and

WHEREAS, Contractor was a successful bidder for work attributable to said RFQ# 201603_047, pursuant to an initial Invitation for Bid (IFB) #031E issued on October 3, 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 July 11, 2016 and made effective July 11, 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 particular Agreement; and

WHEREAS, HTFC and Contractor's Contract Price in the Construction Agreement totaled \$10,000,000.00 ; and

WHEREAS, HTFC and Contractor entered into a First Amendment to the Agreement on November 2, 2016 which increased the Total Fee to \$20,000,000.00 and clarified and amended the insurance provisions; and

WHEREAS, HTFC and Contractor entered into a Second Amendment to the Agreement on January 28, 2017 which increased the Total Fee to \$30,000,000.00; and

WHEREAS, HTFC and Contractor entered into a Third Amendment to the Agreement on April 25, 2017 which extended the Term to May 20, 2018; and

WHEREAS, HTFC and Contractor entered into a Fourth Amendment to the Agreement on May 5, 2017 which increased the total Fee to \$40,000,000.00; and

WHEREAS, HTFC/GOSR and Contractor desire to amend the Agreement by means of this Fifth Amendment in order to clarify the parameters of the scope of work to include work awarded under two substantially similar RFQ's;

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. The First and Second "WHEREAS" clauses of prior Amendments 2 through 4, which set forth the bid and award history and associated scope of work upon which the Construction Agreement is based, are hereby deleted and replaced with the following:

"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_040, pursuant to an initial Invitation for Bid (IFB) #0013E issued on May 16, 2016; and

WHEREAS, Contractor was successfully admitted to the Prequalified List (PQL) for RFQ# 201603_047 on August 11, 2016; and


WHEREAS, Contractor was a successful bidder for work attributable to said RFQ# 201603_047, pursuant to an initial Invitation for Bid (IFB) #031E issued on October 3, 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;"


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.

Almas Construction, LLC.

By: 
Name: Nicholas Zoumas
Title: Member
Date: 11/30/17

Housing Trust Fund Corporation

By: 
Name: Daniel Greene
Title: General Counsel,
Governor's Office of Storm Recovery
Date: 12/27/17