

STATE OF TEXAS
COUNTY OF HIDALGO

FIRST MODIFICATION TO AMENDMENT NO. 6
TO AIA A133-2009
STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION
MANAGER AS CONSTRUCTOR
C-17-292A-03-27

Amendment No. 6 pertains to release of retainage and was approved by Commissioner's Court on February 12, 2019. This document modifies Amendment No. 6 only in part. All other terms remain the same and are incorporated herein.

Prior to final completion and acceptance of the entire Project, Owner and Construction Manager may from time to time agree to pay retainage otherwise due to a subcontractor whose work has been fully completed and accepted for at least 30 days. In such event, Owner may release the amount to be paid to said subcontractor from the retainage held by Owner to Construction Manager, for prompt payment to said subcontractor upon receipt by Construction Manager of unconditional final payment documentation from said subcontractor. Owner may also, in Owner's sole discretion and without obligation, release partial retainage to Construction Manager in any amount up to, but not more than, a pro rata amount of Construction Manager's retainage held by Owner directly to Construction Manager. Nothing in this Amendment waives, modifies, or in any way limits Owner's rights at law or under the Agreement above referenced to withhold money from Construction Manager. Any such partial release of retainage shall not be construed to be a waiver of such rights or a modification of the Agreement except as expressly stated herein, not shall such release be construed to be an acceptance of work found to be defective at any time.

This Modification shall become effective when signed by all parties and approved by Commissioner's Court of Hidalgo County, Texas.

HIDALGO COUNTY

Morganti Texas, Inc.



Richard F. Cortez, County Judge



President

ATTEST

County Clerk

Date Approved by Commissioner's Court