AMENDMENT NO. 2

This Amendment No. 2 ("Amendment") to a job order contract for rehabilitation work on Dwellings in Build it Back Region No. 11 (Registration No. 2014140408 8; EPIN 82613B0050001) ("Job Order Contract") made and entered into this 3rd day of July, 2014, by and between the City of New York ("City"), acting by and through the Department of Environmental Protection ("DEP"), whose address is 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, and E.F. Fitzgerald Electric ("Contractor"), located at 98-16 Rockaway Sch Blvd (hereafter, the "Parties").

WHEREAS, consistent with 24 C.F.R. section 85.36(h)(2) & (3), Article 20.1 of the Job Order Contract requires that Contractor maintain performance and payment bonds for the full amount of the Job Order Contract, which is funded with HUD CDBG-DR funds; and

WHEREAS, the full amount of the Job Order Contract is currently unknown because it is dependent on how many homeowners apply for and are accepted into the Build it Back Program and how much work the Contractor is able to perform; and

WHEREAS, Schedule A to the Job Order Contract provides that the Contractor shall initially obtain performance and payment bonds for not less than $5 million and increase the amount of performance and payment bonds in $5-million increments so that the Contractor's performance and payment bonds are equal to or exceed the full amount of the Job Order Contract; and

WHEREAS, the City established the requirement that performance and payment bonds be maintained in increments of $5 million based on the anticipated incremental amount of work the Contractor would be assigned; and

WHEREAS, based on the actual amount of work currently available to the Contractor, the City has determined that reducing the initial amount and incremental amount of required performance and payment bonds to $1 million will meet the requirements of law, protect public funds, and ease an unnecessary financial burden on the Contractor;

NOW, THEREFORE, the parties agree as follows:

1. The following provision in Schedule A is amended to add the words and numbers in bold and to delete the bracketed words and numbers as follows:

ARTICLE 20 PERFORMANCE AND PAYMENT BONDS	Contractor shall obtain performance and payment bonds for not less than [$5,000,000] **$1,000,000** and shall adjust the amount of the bonds in increments of [$5,000,000] **$1,000,000**—on its own action or at the direction of the City—as the value of the Work is increased so that at all times the value of the performance and payment bonds is equal to or

	exceeds the price to be paid for all Job Orders assigned to the Contractor.

Except as set forth herein, all terms of the Job Order Contract shall remain in full force and effect.

Contractor: E. Fitzgerald Electric Co.
By: Eugene Fitzgerald
Name: Eugene Fitzgerald
Title: President
Date: 07-03-14

New York City Department of Environmental Protection
By:
Name: MARY PRZEAN
Title: ASST. COMMISSIONER
Date: 8/1/2014

APPROVAL AS TO FORM OF A CONTRACT BY STANDARD TYPE OF CLASS

Agency: New York City Department of Environmental Protection

Contract: Build it Back Job Order Contract Amendment No. 2

Pursuant to section 394 of the New York City Charter, I hereby approve as to form the annexed contract amendment by standard type of class. This approval is valid for a period of one (1) year from the date hereof and for a maximum of 12 contracts.

The above approval is made on the express understanding that the substantive language of the contract will not be altered or changed in any way without prior submission to the Office of the Corporation Counsel for approval, provided, however, that blank spaces in the contracts requiring names, dates, dollar amounts or other similar details may be completed.

APPROVED AS TO FORM AND
CERTIFIED AS TO LEGAL AUTHORITY

ACTING CORPORATION COUNSEL

DATE: JUN 25 2014

2014-022960

Environmental Protection

Emily Lloyd
Commissioner

Mary F. Pazan
Assistant Commissioner
Agency Chief Contracting Officer

59-17 Junction Boulevard
Flushing, N.Y. 11373

Tel. (718) 595-3925
Fax (718) 595-3278
mpazan@dep.nyc.gov

August 12, 2014

Eugene Fitzgerald
President
E. Fitzgerald Electric Co., Inc.
98-16 Rockaway Beach Boulevard
Rockaway Park, NY 11694

Re: Contract 20141404088
PIN 82614HRPJC11
NYC Houses Rehabilitation Program – Region 11
Approval of Amendment No. 2

Dear Mr. Fitzgerald:

This letter is to inform you that the Amendment to the Contract between E. Fitzgerald Electric Co., Inc. and the New York City Department of Environmental Protection ("DEP") (Registration No. 20141404088) which provides for NYC Houses Rehabilitation Program – Region 11 (the "Contract") which reduces the initial and incremental amount of the required performance and payment bonds to $1 million has been approved.

All other terms and conditions of the Contract remain in effect throughout the extension period.

Very truly yours,

Mary F. Pazan
Agency Chief Contracting Officer

cc: Chan/Ohringer