

AMENDMENT NO. 2
CONTRACT NO. 455-22-1023A FOR
RECLAMATION SERVICES
BETWEEN
THE RAILROAD COMMISSION OF TEXAS AND
David-Tehoungue LTD Co.

THIS AMENDMENT NO. 2 to Contract No. 455-22-1023A (“Contract”) is entered into by and between the State of Texas, acting through the Railroad Commission of Texas (“RRC”), located at 1701 N. Congress Ave., Austin, Texas and David-Tehoungue LTD Co. (“Contractor”), located at 5100 Lions Gate Lane Killeen, Texas 76549 (individually, “Party”; collectively, “Parties”).

WHEREAS, SECTION 7.06. of the Contract provides the Parties may amend the Contract through written agreement; and

WHEREAS, on August 14, 2023, the Parties executed **Amendment No. 1** to the Contract to modify part **IV. FUNDING.**, to add a new section titled **4.02. CONDITIONS OF FEDERAL FUNDING.**, and to modify section **3.01. CONTRACT LIMIT, FEES AND EXPENSES.** changing the not-to-exceed amount of the Contract from THREE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$300,000.00) to EIGHT HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$800,000.00) as approved by the Commissioners on June 13, 2023.

WHEREAS, the Parties desire to further amend the Contract terms to their mutual benefit to reflect changed circumstances.

NOW, THEREFORE, the Parties agree to amend the Contract as follows:

I. **SECTION 2.01. CONTRACT AWARD.**, subparagraph (a.) is deleted in its entirety and replaced with the following:

“This Contract shall be effective September 23, 2022, through August 31, 2025 (the initial term of the Contract plus the exercised optional renewal term two of three; collectively, “Contract Term”) unless terminated earlier as provided in RFP No. 455-22-1023 Part III and/or section **2.02 TERMINATION.**, set forth below.

This Contract may be extended only through written amendment to the Contract, fully executed prior to the expiration of the Contract Term in effect prior to execution of the applicable Amendment to the Contract.

RRC reserves the right to renew the Contract for one (1) additional, one-year renewal terms remaining of the original three (3) one-year renewal terms as set forth below:

- Third Optional Renewal Term: September 1, 2025 – August 31, 2026”

II. **SECTION 3.01. CONTRACT LIMIT, FEES AND EXPENSES.**, is deleted in its entirety and replaced with the following:

“**CONTRACT LIMIT, FEES AND EXPENSES.** The total amount of fees to be paid by RRC to Contractor under the Contract through the Contract Term shall not exceed **ONE MILLION THREE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$1,300,000.00)** the total of which includes the current NTE amount of **EIGHT HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$800,000.00)** plus the addition of **FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$500,000.00)**, as approved by the Commissioners on June 25, 2024.”

Except as expressly amended above, all provisions of the Contract, as amended, remain in full force and effect. In the event of a conflict among provisions of the Contract, the order of precedence shall be: this Amendment No.2;

then Amendment No.1; and then the original Contract in accordance with section **1.03. ORDER OF PRECEDENCE.**, therein.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment No.2 to the Contract to be effective as of the date of the last Party's signature hereto. By signatures below, each signatory represents and warrants that they have the authority to amend the Contract on behalf of the respective Party.

RAILROAD COMMISSION OF TEXAS

DocuSigned by:
Theresa Lopez, Director of Operations
Theresa Lopez CTCD, CTCM
Director of Operations
Signing on behalf of Wei Wang
Executive Director

DAVID-TEHOUNGUE LTD CO.

DocuSigned by:
Abalo Tehoungue
Abalo Tehoungue
Managing Member

Date of Execution: 7/30/2024

Date of Execution: 7/29/2024

RRC use only below this line.

Division Director:	<u><i>JP</i></u>	Date:	<u>7/26/2024</u>
Chief Administrative Officer:	<u><i>CS</i></u>	Date:	<u>7/26/2024</u>
Director of Operations:	<u><i>tl</i></u>	Date:	<u>7/25/2024</u>
Office of General Counsel:	<u><i>DS</i></u>	Date:	<u>7/26/2024</u>