

**FIRST AMENDMENT TO THE CO-LOCATION SERVICES CONTRACT  
BETWEEN  
THE DEPARTMENT OF INFORMATION RESOURCES  
AND  
TEXAS NICUSA, LLC  
TO EFFECTUATE THE CONSOLIDATION OF DATA CENTER SERVICES  
PURSUANT TO THE MASTER SERVICES AGREEMENT BETWEEN  
DEPARTMENT OF INFORMATION RESOURCES  
AND  
INTERNATIONAL BUSINESS MACHINES CORPORATION  
DIR CONTRACT NO. DIR – SDD - 495 - RFO – DATA CENTER SERVICES**

This First Amendment (**First Amendment**) is to the Co-Location Services Contract (**the Contract**) between the Texas Department of Information Resources (**DIR**) and Texas NICUSA, LLC (“**TXNICUSA**”), (formerly between DIR and Bearing Point) (collectively, the “**Parties**”) to further develop and maintain the TexasOnline information technology (**IT**) environment pursuant to the Master Services Agreement between DIR and International Business Machines Corporation.

**RECITALS**

**WHEREAS**, the Parties desire to update the principal place of business for TXNICUSA;

**WHEREAS**, the Parties desire to update the TXNICUSA and DIR Contact Information;

**WHEREAS**, the Parties desire to add not to exceed charges for TXNICUSA for FY11, FY12 and FY13.

**NOW, THEREFORE**, in consideration of the promises and covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend the Contract as follows:

1. Paragraph 1 is amended to replace TXNICUSA’s principal place of business at: 100 Congress Avenue, Suite 600, Austin, Texas 78701.
2. Section VI, C, Notices is amended to replace TXNICUSA’s Contact information as follows:  
Texas NICUSA Notices

Name: Pete Eichorn  
Address: 100 Congress Avenue, Suite 600  
Austin, Texas 78701  
Telephone/Fax: 512.501.5996  
Email: [peichorn@nicusa.com](mailto:peichorn@nicusa.com)

Section VI, C, Notices is amended to replace DIR's Contact Information as follows:

**DIR Notices**

Mary Cheryl Dorwart  
Department of Information Resources  
300 W. 15<sup>th</sup> Street, Suite 1300  
Austin, Texas 78701  
Telephone/Fax: 512.463.3909 / 512.475.4759  
Email: [mc.dorwart@dir.texas.gov](mailto:mc.dorwart@dir.texas.gov)

3. Section VI, D, Additional Contact Information is amended to replace TXNICUSA's Contact Information as follows:

TXNICUSA's Primary Contact

Name: Pete Eichorn  
Address: 100 Congress Avenue, Suite 600  
Austin, Texas 78701  
Telephone/Fax: 512.501.5996  
Email: [peichorn@nicusa.com](mailto:peichorn@nicusa.com)

TXNICUSA's Billing Contact

Name: Greg Speir  
Address: 100 Congress Avenue, Suite 600  
Austin, Texas 78701  
Telephone/Fax: 512.651.9814  
Email: [gspeir@nicusa.com](mailto:gspeir@nicusa.com)

5. Section VI, D, Additional Contact Information is amended to replace DIR's Primary Contact Information as follows:

DIR's Primary Contact

Name: Mary Cheryl Dorwart  
Address: 300 W. 15<sup>th</sup> Street, Suite 1300  
Austin, Texas 78701  
Telephone/Fax: 512.463.3909 / 512.475.4759  
Email: [mc.dorwart@dir.texas.gov](mailto:mc.dorwart@dir.texas.gov)

DIR's Billing Contact

Name: Jodie Erickson  
Address: 300 West 15<sup>th</sup> Street, Suite 1300  
Austin, Texas 78701  
Telephone/Fax: 512.463.4326  
Email: [Jodie.erickson@dir.texas.gov](mailto:Jodie.erickson@dir.texas.gov)

For Legal Notices, send original to DIR's Primary Contact with a copy to:

Name: General Counsel  
Address: P. O. Box 13564,  
Austin, TX 78711-3564  
Telephone / Fax: (512) 936.2233 (telephone)/ (512) 475-4759 (fax)  
Email: [robin.abbott@dir.texas.gov](mailto:robin.abbott@dir.texas.gov)

6. Attachment A, Estimated Cost Amount, to the Contract is deleted and replaced with the attached Attachment A.

Except as specifically amended herein, the Contract shall remain in full force and effect through its term.

[Signature Page Follows]

**IN WITNESS WHEREOF**, the Parties have signed this Amendment effective on the date of the last party to sign.

**TEXAS NICUSA, LLC**

By: Signature On File \_\_\_\_\_ Date: 12-16-2011  
**Brian D. Stevenson, Director of Core Services**

Legal: \_\_\_\_\_

**DEPARTMENT OF INFORMATION RESOURCES**

By: Signature On File \_\_\_\_\_ Date: 01-06-2012  
**Karen W. Robinson, Executive Director**

Legal: Signature on File \_\_\_\_\_  
Robin Abbott, Office of General Counsel

**Attachment A**  
**Estimated Cost Amount**  
**November 1, 2011**

Below are the estimated costs, excluding the DIR Cost Recovery Fee, for services to be received from DIR and Service Provider. The basis for estimating these costs are further described in Attachment B, Overview of Charges.

For the period July 1, 2008 through August 31, 2008 the estimated cost amount is \$36,329.00.

For the period September 1, 2008 through August 31, 2009, estimated cost amount is \$217,974.00.

For the period September 1, 2009 through August 31, 2010, the estimated cost amount is \$217,974.00.

For the period September 1, 2010 through August 31, 2011, the estimated cost amount is \$172,630.20.

For the period September 1, 2011 through August 31, 2012, the estimated cost amount is \$172,630.20.

For the period September 1, 2012 through August 31, 2013, the estimated cost amount is \$172,630.20.

Note: These amounts do not reflect credits being processed.