

Amendment Number 1
to
Contract Number DIR-TSO-3850
between
State of Texas, acting by and through the Department of Information Resources
and
Transmetric America Inc

This Amendment Number 1 to **Contract** Number **DIR-TSO-3850** ("**Contract**") is between the Department of Information Resources ("**DIR**") and Transmetric America Inc ("**Vendor**"). **DIR** and **Vendor** agree to modify the terms and conditions of the **Contract** as follows:

- 1. Contract, Section 2. Term of Contract**, is hereby amended in its entirety and replaced with:

The term of this Contract shall be one (1) years commencing on the last date of approval by **DIR** and **Vendor**. **DIR** and **Vendor** hereby agree to extend the term of the Contract for one (1) year through May 19, 2019 or until terminated pursuant to the termination clauses contained in the Contract. Prior to expiration of the term, the contract will renew automatically in one-year increments for two additional years under the same terms and conditions unless either party provides notice to the other party 60 days in advance of the renewal date stating that the party wishes to discuss modification of terms or not renew.

Additionally, the parties by mutual agreement may extend the term for up to ninety (90) additional calendar days.

- 2. Appendix A, Standard Terms and Conditions For Products and Related Services Contracts**, is hereby restated in its entirety and replaced with the attached **Appendix A, Standard Terms and Conditions For Products and Related Services Contracts dated 09/29/2017**.

All other terms and conditions of the Contract as amended, not specifically modified herein, shall remain in full force and effect. In the event of conflict among the provisions, the order of precedence shall be Amendment 1 and then the Contract.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, the parties hereby execute this amendment to be effective as of the date of the last signature, but in all events, no later than May 19, 2018.

Transmetric America Inc.

Authorized By: Signature on File

Name: Steve Cropley

Title: Director, Technology

Date: 6/6/2018

The State of Texas, acting by and through the Department of Information Resources

Authorized By: Signature on File

Name: Hershel Becker

Title: Chief Procurement Officer

Date: 6/6/2018

Office of General Counsel: Signature on File 6/6/2018