

**GLENN HEGAR** TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

NOTICE OF AWARD

Payee ID#: 19527431746
CBRE, Inc.
500 W. 2nd St., Suite 1700
Austin, TX 78701

Contact Name: Nina Farrell
Phone: (512) 499-4947
Email: nina.farrell@cbre.com

Re: TXMAS Contract # & Description: TXMAS-21-95802 Real Estate Management Services, Including Listing, Sales and Broker Services
Term of Contract: Date of Deputy Comptroller's signature on this Notice of Award, through October 7, 2022

This letter is to inform you that the Comptroller of Public Accounts (CPA) accepts CBRE, Inc. (Contractor) TXMAS Offer Packet and hereby awards your company a TXMAS contract.

Contractor's awarded items/services will be processed through our Statewide Contract Management office (SCM) and will be available for purchase on the Texas SmartBuy online ordering system. The assigned contract manager will send a notice once SCM has reviewed and processed the finalized contract documents.

The Contract consists of the documents stated in Section 2 Contract Documents of the TXMAS Terms and Conditions. The attached final catalog consists of items/services and pricing submitted and agreed upon by CPA and Contractor. The final catalog may exclude any items or services that CPA has decided not to award. Any excluded items/services are not permitted to be sold under the TXMAS contract and may not be added at any time during the life of the TXMAS contract.

These excluded items/services are: Professional Services and Standalone Consulting Services.

Contractor may provide Disposition, Acquisition, and Leasing services to CPA customers as described in the Base Contract. Contractor will ensure that the customer enters a purchase order in TXSmartBuy for each transaction in which Contractor represents a CPA customer. The dollar amount on the purchase order will be the amount of the commission received by CBRE, whether paid by a CPA customer or a third party. The purchase order amount will be the basis for calculating fees and rebates. Upon request, CBRE will provide documentation of the commissions it receives for each transaction in which Contractor represents a CPA customer.

Order of Precedence. To the extent there are conflicts between the Base Contract and the TXMAS Terms and Conditions, the TXMAS Terms and Conditions controls.

1. TXMAS Terms and Conditions section 14. Confidentiality and Security controls over the CBRE, Inc. Terms and Conditions section 7. Confidential Work.
2. TXMAS Terms and Conditions section 12. Audit Requirements and section 15. Records Retention controls over CBRE, Inc. Terms and Conditions section 21. Right of Review and Audit.
3. TXMAS Terms and Conditions Section #40 Limitations of Liability controls over CBRE, Inc. Terms and Conditions section 9 Consultant's Liability.
4. TXMAS Terms and Conditions Section #28 Indemnification controls over CBRE, Inc. Terms and Conditions section 13. Indemnity.
5. TXMAS Terms and Conditions Section 19. Term and Termination controls over CBRE, Inc. Terms and Conditions section 17. Termination.

6. TXMAS Terms and Conditions Section 11. Invoice Requirements controls over CBRE, Inc. Terms and Conditions section 5. Payment for Services.
7. TXMAS Terms and Conditions Section 34. Assignment and Other Organizational Changes controls over CBRE, Inc. Terms and Conditions section 20. Assignment.
8. TXMAS Terms and Conditions section 42. Governing Law and Venue controls over CBRE, Inc. Terms and Conditions section 22. Venue & section 23. Governing Law.
9. CBRE, Inc. Terms and Conditions section 6. Change in Service will be excluded from the TXMAS contract.

Contractor shall be responsible for the fulfilment of any Purchase Order issued through Texas SmartBuy pursuant to the terms and conditions of the Contract. Contractor shall not ship any products or provide services until receipt of a Purchase Order issued through Texas SmartBuy.

Contractor may advertise the awarded TXMAS contract to Texas state agencies and Texas SmartBuy Member entities. Prior to mass advertising, a draft must be submitted to the TXMAS program for approval. Please complete the attached ECSM Submission Checklist and submit it with the draft advertisement to: txmas@cpa.texas.gov

Texas Comptroller of Public Accounts

DocuSigned by:

Lisa Craven

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Lisa Craven

Deputy Comptroller

Date: 3/5/2021 | 9:49 PM CST