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August 31, 2022

Mr. Juan Santamaria  
CEO ACS Group  
CEO Hochtief AG  
Executive Chairman Cimic Group  
Avda. Pio XII, No. 102  
28036 Madrid  
Spain

RE: US 181 Harbor Bridge Replacement Project  
CSJ# 0101-06-095  
August 28, 2022 Letter from FDLLC

Dear Mr. Santamaria:

I am writing to acknowledge the August 28, 2022 letter and August 30, 2022 Proposed Schedule and Action Plan from Keith Armstrong, the Project Manager for Flatiron/Dragados, LLC ("FDLLC") on the US 181 Harbor Bridge Replacement Project ("Project") that have been provided to the Texas Department of Transportation (TxDOT). I also wish to acknowledge our meeting of August 26, 2022, in Austin, Texas with you and senior officials with ACS Group (parent to FDLLC) along with our subsequent personal discussions that have followed this meeting.

We consider these submittals and our conversations to be a serious and significant effort by ACS Group and FDLLC to acknowledge the concerns that have been raised by TxDOT concerning the design and construction of the Project and your responsibility to construct a safe bridge. We are also encouraged that FDLLC states that it will, at its own expense, provide designs and install the items of work needed to address IBT's concerns and that it will act upon IBT's conclusions in this regard. Importantly, as part of the above referenced submittals and meetings, ACS Group and FDLLC have emphasized your commitment to resolving the IBT issues to TxDOT's satisfaction and at FDLLC's expense.

While these recent efforts are positive, we must quickly work to establish additional specificity to FDLLC's proposals and arrive at an agreement on the actions to be taken to cure the issues with non-conforming work outlined in our August 16, 2022 Notice of Default. While this letter should not be construed as an indication that TxDOT will withdraw the Notice of Default—FDLLC's recent communications do suggest that a path to resolution may be possible through a formal agreement between TxDOT and FDLLC, if FDLLC will now provide an express commitment to:

- (1) address the work to be provided by FDLLC to resolve the issues identified in the Notice of Default to TxDOT's satisfaction;
- (2) confirm responsibilities for all associated costs to be borne by FDLLC;

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- (3) establish a culture change strategy to improve the working relationship between TxDOT and FDLLC, including immediately abating, with the intent of fully resolving, all pending disputes related to the Project; and
- 4) confirm ACS Group's commitment to stand-behind this agreement.

TxDOT is fully committed to making our team immediately available to work with ACS Group and FDLLC to quickly establish an agreement to resolve these critical issues. It is a tremendous responsibility that our organizations share to safely and successfully complete this project that is so vital to the Corpus Christi region and the State of Texas. Thank you for your continued work with me in that regard.

Sincerely,



Marc D. Williams, P.E.  
Executive Director

cc: Kurt Knebel, Flatiron Constructors, Inc.  
Justo Molina, Flatiron/Dragados, LLC  
Jose Antonio Lopez-Monis Plaza, Dragados USA  
Javier Sevilla, Flatiron Constructors, Inc.  
John Couture, Vice President, Flatiron Constructors, Inc.  
Jamie Hurtado Cola, Legal Counsel, Dragados, SA  
Kyle Bogdan, Legal Counsel, Flatiron Constructors, Inc.  
Brian Barth, P.E., Deputy Executive Director—Program Delivery, TxDOT  
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