MAINTENANCE LETTER AGREEMENT BETWEEN THE TEXAS FACILITIES COMMISSION AND THE REAL ESTATE COMMISSION (329)

WHEREAS, both the Texas Facilities Commission (TFC) is the State agency with a primary responsibility for maintenance and repair of State buildings, grounds, and property; and

WHEREAS, the Real Estate Commission (TREC) has requested the TFC provide an estimate for a proposed project through Work Order No. 520868 and TFC has reviewed the request and proposes a preliminary estimated budgetary amount of Three Hundred Ten and 62/100 Dollars ($310.62).

NOW, THEREFORE, pursuant to the Interagency Cooperation Act, Chapter 771, Texas Government Code, and in consideration of the mutual agreements contained herein, the parties agree as follows:

1. The proposed amount of the project requested under Work Order No. 520868 is Three Hundred Ten and 62/100 Dollars ($310.62); and is as further described on the detailed budget attached hereto and incorporated herein as Attachment A. The proposed amount is based on information provided to TFC by TREC and shall remain valid for a period of thirty (30) days from the date of Texas Facilities Commission's letter, December 21, 2015. Failure to approve this work order estimate within thirty (30) days shall render this estimated budget amount null and void, and will result in the work order being closed.

2. If the work order estimate provided above is under Fifty Thousand and No/100 Dollars ($50,000.00), then this letter agreement may serve as the agreement between the parties, upon execution by Texas Facilities Commission, to move forward with the project. If the estimate provided is over Fifty Thousand and No/100 Dollars ($50,000.00), then execution of an interagency cooperation contract between the parties shall be required; however, Real Estate Commission may request the issuance of an interagency cooperation contract for work proposed under Fifty Thousand and No/100 Dollars ($50,000.00).

3. Expenses will be based on the actual costs of the work for the Project. In addition, if the scope of work changes upon agreement by TFC and Real Estate Commission, the estimated budget amount may change. An Interagency Transaction Voucher or Invoice (ITV) for the completed services will be prepared by TFC and Real Estate Commission shall reimburse TFC within thirty (30) days from receipt of ITV or invoice.

4. Pursuant to Rider 16 entitled *Capital Construction on Behalf of State Agencies* for the Texas Facilities Commission found in HB 1, 84th R.S., Art. I, any capital items related to construction of buildings and facilities including minor construction projects greater than $100,000 performed by TFC on behalf of other state agencies do not apply to TFC for the purpose of the capital budget rider limitations specified in HB 1, 84th Leg., R.S., Art. IX, Sec. 14.03. By signing this letter agreement and the associated interagency contract, Real Estate Commission certifies it has the requisite capital budget authority to fund the services to be provided by TFC.

This letter agreement shall be effective upon execution by TFC, and it shall continue in effect until completion of the Project. If the work proposed is over Fifty Thousand and No/100 Dollars ($50,000.00), an interagency cooperation contract between the parties shall be drafted by TFC and submitted to Real Estate Commission for execution.

REAL ESTATE COMMISSION

Sandy Jones

Sandy Jones
Date of Execution: 1/27/2016

TEXAS FACILITIES COMMISSION

John Raff

John Raff
Date of Execution: 12-30-15

Cc TREC P.O.# 329-16-5044
Gb
Rk
Cw
Nm