

TFC Contract No. 18-109-000
Delta-T Commissioning, Inc., dba Delta-T, Ltd
Amendment No. 1 to Assignment No. 1
Project No. 16-010-5880

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
DELTA-T, LTD COMMISSIONING, INC., DBA DELTA-T LTD**

TFC CONTRACT NO. 18-109-000

AMENDMENT NO. 1 TO ASSIGNMENT NO. 1

This Indefinite Delivery Indefinite Quantity Amendment No. 1 to Assignment No. 1 (hereinafter referred to as “Amendment No. 1 to Assignment No. 1”) is entered into by and between the **Texas Facilities Commission** (hereinafter referred to as “TFC”), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701, and **Delta-T Commissioning, Inc., dba Delta-T Ltd**, located at 7901 Cameron Road, Building 2, Suite 319, Austin, Texas 78754 (hereinafter referred to as “PSP”) (TFC and PSP are hereinafter referred to individually as a “Party” or collectively as “Parties”), to be effective on the Effective Date (as defined below) and to be performed in accordance with the terms and conditions of TFC Contract No. 18-109-000, its Assignment No. 1, and those that follow.

RECITALS.

WHEREAS, the Parties entered into that one certain *Indefinite Delivery Indefinite Quantity Professional Services Agreement*, TFC Contract No. 18-109-000 and dated November 6, 2017 (hereinafter referred to as the “Agreement”); and

WHEREAS, pursuant to the terms of the Agreement, the Parties entered into Assignment No. 1 dated September 19, 2018 (hereinafter referred to as “Assignment No. 1”); and

WHEREAS, the Parties now desire to amend Assignment No. 1 to provide for Additional Services and Fees;

NOW THEREFORE, the Parties hereby agree as follows:

1. The Parties agree to modify the section entitled, DESCRIPTION OF PROJECT, to include additional testing, adjusting and balancing services for the William P. Hobby Building penthouse controls as set forth in PSP’s Proposal dated July 9, 2020, attached hereto and incorporated herein for all purposes as “Exhibit A-1-1,” and consisting of one (1) page.
2. The Parties agree to modify the section entitled, FEE FOR BASIC SERVICES to reflect an increase in compensation to be paid to PSP in the amount of Three Thousand Nine Hundred Ninety and No/100 Dollars (\$3,990.00), for which purpose that section is deleted in its entirety and replaced with the following:

“FEE FOR BASIC SERVICES: Fee for the services set forth in this Assignment No. 1 shall not exceed the sum of Two Hundred Forty-Nine Thousand Four Hundred Forty-Three and No/100 Dollars (\$249,443.00). No more frequently than once per month, PSP shall submit a Pay Application to TFC for services performed and reasonable and necessary costs and expenses incurred through the last day of the previous month. Any reimbursable expenses, if allowed, shall be in accordance with Section 4.6 of the Agreement.”

3. The Parties agree to modify the section entitled IDENTIFICATION OF PSP PROJECT MANAGER AND ALL SUBCONTRACT, by replacing “Exhibit B-1” to Assignment No. 1, with “Exhibit B-1-1” to this Amendment No. 1 to Assignment No. 1, attached hereto an incorporated herein for all purposes.

4. Except as amended and supplemented by this Amendment No. 1 to Assignment No. 1, the terms and conditions of the Agreement and of Assignment No. 1 shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment No. 1 to Assignment No. 1 to be effective as of the date of the last Party to sign.

TEXAS FACILITIES COMMISSION

**DELTA-T, LTD COMMISSIONING
DBA DELTA-T LTD**

DocuSigned by:
By: Mike Novak, Executive Director
B1C9FC0A6020417...

DocuSigned by:
By: Paul A. Easum, P.E., CxA, CEP, General Partner,
02771D58F1EA4A0...

Mike Novak

Paul A. Easum, P.E., CxA, CEP

Executive Director

General Partner

Date of execution: 09/30/2020 | 9:40 AM CDT

Date of execution: 09/30/2020 | 6:48 AM PDT

PM JP

GC SEHGL

Dir MW

DED JK

TFC Contract No. 18-109-000
Delta-T Commissioning, Inc., dba Delta-T, Ltd
Amendment No. 1 to Assignment No. 1
Project No. 16-010-5880

Exhibit A-1-1

PSP's Proposal dated July 9, 2020



DELTA-T Ltd.

CERTIFIED TESTING AND BALANCING OF AIR & HYDRONIC SYSTEMS



PROPOSAL

July 9, 2020

To: Texas Facilities Commission
Attention: Joshua Porosky, Project Manager
Email: Joshua.Porosky@tfc.texas.gov

RE: HVAC Testing, Adjusting & Balancing
JOB NAME: William P. Hobby Building
LOCATION: Austin, Texas

We propose to furnish the necessary tools, instruments and technicians to perform the AABC certified HVAC testing, adjusting and balancing services on the above referenced project as shown on the contract drawings dated 5-16-2018 -ASI -002. All tests shall be performed in accordance with the Associated Air Balance Council National Standards.

THE ABOVE SERVICES SHALL BE PERFORMED FOR THE SUM OF:

WRITTEN AMOUNT: **Three Thousand Nine Hundred and Ninety Dollars - \$3,990.00**

(Proposal includes – 8 Airflow Monitoring Stations, 2 Existing AHU's, Submittal Review, 2 Site Observations / 1 Checkout Meeting, 6 copies of the Final TAB Report typed and 6 CD copies of the Final TAB Report in a searchable PDF format.)

If there are any questions concerning this proposal, please contact me.

Delta-T Ltd.

Paul A. Easum
Member Delta-T Operations Management
General Partner Delta-T Ltd

TFC Contract No. 18-109-000
Delta-T Commissioning, Inc., dba Delta-T, Ltd
Amendment No. 1 to Assignment No. 1
Project No. 16-010-5880

Exhibit B-1-1

List of Project Manager and Subcontractors

**LIST OF PSP PROJECT MANAGER
AND
SUBCONTRACTORS**

(Name, Company Name, Address & Contact Person (Project Manager))

A. PSP Project Manager:		_____ Paul A. Easum, P.E., CxA, C.E.P. _____ (Name) _____ Delta-T Ltd. _____ (Company) _____ 538 Forest Center Plaza _____ (Address) _____ 214-718-5576 _____ (Cell #) _____ Paul@deltatltd.com _____ (Email)
B. TA&B-Commissioning Agent:		
	1.	_____ Jeff Keene, TBE, CxA, C.E.M. _____ (Name) _____ Delta-T Ltd. _____ (Company) _____ 7901 Cameron Road, Bldg. 2, Suite 319 _____ (Address) _____ 512-595-9266 _____ (Cell #) _____ Jeff@deltatltd.com _____ (Email)
	2.	_____ Isaac Cotherman, TBE _____ (Name) _____ Delta-T Ltd. _____ (Company) _____ 7901 Cameron Road, Bldg. 2, Suite 319 _____ (Address) _____ 512-529-7609 _____ (Cell #) _____ Isaac@deltatltd.com _____ (Email)
	3.	_____ Kevin Whiteman _____ (Name) _____ Delta-T Ltd _____ (Company) _____ 7901 Cameron Road, Bldg. 2, Suite 319 _____ (Address) _____ 512-937-8177 _____ (Cell #) _____ Kevin.Whiteman@deltatltd.com _____ (Email)
	4.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)