

**AMENDMENT NO. ONE
TO THE
CONTRACT FOR
ELEVATOR MAINTENANCE SERVICES
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
EMR ELEVATOR, INC.**

THIS AMENDMENT NO. ONE is entered into by and between the Texas Facilities Commission (hereinafter referred to as "TFC"), a state agency located at 1711 San Jacinto Blvd., Austin, Texas 78701 and EMR Elevator, Inc. (hereinafter referred to as "Contractor"), located at 705 Secretary, Arlington, TX 78015, to amend the original Contract between the parties (hereinafter referred to as the "Contract").

WHEREAS, the parties agree to remove elevator maintenance services, along with the associated monthly fees, for the four (4) elevators in the DSHS Tower Building for a total reduction in fees in the amount of Twenty Thousand One Hundred Sixty and No/ 100 Dollars (-\$20,160.00); and

WHEREAS, the parties agree to add funding for Additional Services in the amount of Seventy Thousand and No/100 Dollars (\$70,000.00); and

WHEREAS, the parties desire to amend certain terms to their mutual benefit to reflect the changed circumstances;

NOW, THEREFORE, the parties agree to amend the Contract as follows:

1. The parties hereby agree to modify ARTICLE I – STATEMENT OF WORK, SECTION 1.1 – SERVICE REQUIREMENTS by replacing Exhibit A – Building List and Compensation & Fees with Exhibit A-1 – Building List and Compensation and Fees, attached hereto and incorporated herein for all purposes, to document the removal of elevator maintenance services, along with the associated monthly fees, for Elevators #1, #2, #3 and #4 in the DSHS Tower Building from this Contract.
2. In addition, the parties agree to have the removal of elevators be effective as of February 1, 2016 through January 31, 2017.
3. Furthermore, the parties agree to modify ARTICLE III – CONSIDERATION, SECTION 3.1.(a) – CONTRACT LIMIT AND FEES AND EXPENSES by deleting the paragraph in its entirety and replacing it with the following:

"The total amount of this Contract shall not exceed the sum of One Million Three Hundred Fifty One Thousand Nine Hundred Forty and No/ 100 Dollars (\$1,351,940.00). This amount includes the Fiscal Year 2016 – 2017 Contract base fee of One Million Two Hundred Eighty One Thousand Nine Hundred Forty and No/100 Dollars (\$1,281,940.00) and Seventy Thousand and No/100 Dollars (70,000.00) to cover any Additional Services, as defined in Section 3.3 below. Pricing fees shall be invoiced in accordance with Exhibit A-1 – Building List and Compensation and Fees. Any changes to the not-to-exceed amount of this Contract or pricing fees set forth in Exhibit A-1 – Building List and Compensation and Fees, shall be submitted to TFC for review and shall be approved by amendment to this Contract.

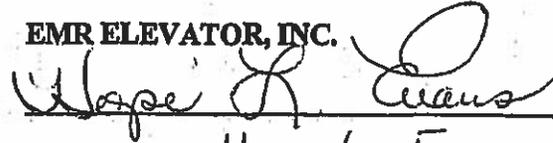
Except as expressly amended above, all provisions of the Contract remain in full force and effect.

In Witness Whereof, the parties hereto have made and executed this Amendment No. 1 to this Contract to be effective as of February 1, 2016.

TEXAS FACILITIES COMMISSION

EMR ELEVATOR, INC.

 GENERAL COUNSEL



for Harvey Hilderbran
Executive Director

Printed Name: Hope L. Evans

Title: President

Date of execution: 3/15/16

Date of execution: March 17, 2016

Dir. 
D.E.D. 
G.C. 

EXHIBIT A-1

BUILDING LIST AND COMPENSATION & FEES

GROUP #1 - CAPITOL COMPLEX ELEVATORS

	<u>Cost Per Month</u>
<u>William P. Hobby Building</u>	
<u>Building #1 (7 Units)</u>	
Dover Passenger #1 VVVF - T4	\$ <u>450.00</u>
Dover Passenger #2 VVVF - T4	\$ <u>450.00</u>
Dover Passenger #3 VVVF - T4	\$ <u>450.00</u>
Dover Passenger #4 VVVF - T4	\$ <u>450.00</u>
Otis Hydraulic Passenger #5	\$ <u>275.00</u>
Otis Hydraulic Passenger #6	\$ <u>275.00</u>
Otis Hydraulic Passenger #7	\$ <u>275.00</u>
<u>Building #2 (2 Units)</u>	
Dover Passenger #11 VVVF - T4	\$ <u>450.00</u>
Dover Passenger #12 VVVF - T4	\$ <u>450.00</u>
<u>Building #3 (3 Units)</u>	
Dover Passenger #14 VVVF - T4	\$ <u>450.00</u>
Dover Passenger #15 VVVF - T4	\$ <u>450.00</u>
TOTAL: William P. Hobby Building	\$ <u>4425.00</u>
<u>Parking Garage N</u>	
<u>(2 Units)</u>	
Dover Passenger VVVF (T4)	\$ <u>375.00</u>
Dover Passenger VVVF (T4)	\$ <u>375.00</u>
TOTAL: Garage N	\$ <u>750.00</u>
<u>Lyndon B. Johnson Building</u>	
<u>(7 Units)</u>	
THYSSEN TAC 50 Passenger #1	\$ <u>450.00</u>
THYSSEN TAC 50 Passenger #2	\$ <u>450.00</u>
THYSSEN TAC 50 Passenger #3	\$ <u>450.00</u>
THYSSEN TAC 50 Passenger #4	\$ <u>450.00</u>
THYSSEN TAC 50 Passenger #5	\$ <u>450.00</u>
THYSSEN TAC 50 Passenger #6	\$ <u>450.00</u>
THYSSEN Hydraulic (Treasury Wing)	\$ <u>300.00</u>
TOTAL: Lyndon B. Johnson Building	\$ <u>3000.00</u>
<u>Stephen F. Austin Building</u>	
<u>(7 Units)</u>	

Schindler Miconic TXR5 Passenger #1	\$ 450.00
Schindler Miconic TXR5 Passenger #2	\$ 450.00
Schindler Miconic TXR5 Passenger #3	\$ 450.00
Schindler Miconic TXR5 Passenger #4	\$ 450.00
Schindler Miconic TXR5 Passenger #5	\$ 450.00
Schindler Miconic TXR5 Passenger #6	\$ 450.00
Schindler Miconic TXR5 Freight #7	\$ 450.00

TOTAL: Stephen F. Austin Building \$ 3150.00

William P. Clements Building
(11 Units)

High-rise, Floors 9 to 15:

Dover Computamatic Passenger #1	\$ 450.00
Dover Computamatic Passenger #2	\$ 450.00
Dover Computamatic Passenger #3	\$ 450.00
Dover Computamatic Passenger #4	\$ 450.00

Low-rise, Floors 1 to 8:

Dover Computamatic Passenger #5	\$ 450.00
Dover Computamatic Passenger #6	\$ 450.00
Dover Computamatic Passenger #7	\$ 450.00
Dover Computamatic Passenger #8	\$ 450.00

Basement to 15 floors:

Dover Composite Freight #9	\$ 450.00
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Parking Garage J:

Dover Computamatic Passenger #10	\$ 450.00
Dover Computamatic Passenger #11	\$ 450.00

TOTAL: William P. Clements Building \$ 4950.00

Ernest O. Thompson Building
(3 Units)

THYSSEN TAC 50 Passenger #1	\$ 450.00
THYSSEN TAC 50 Passenger #2	\$ 450.00
THYSSEN TAC 50 Passenger #3	\$ 450.00

TOTAL: Ernest O. Thompson Building \$ 1350.00

James Earl Rudder Building
(3 Units)

Dover Composite Passenger #1	\$ 450.00
Dover Composite Passenger #2	\$ 450.00
Dover Composite Freight #3	\$ 450.00

TOTAL: James Earl Rudder Building \$ 1350.00

Parking Garage A

(2 Units)

Esco Hydraulic Passenger #1 \$ 300.00

Esco Hydraulic Passenger #2 \$ 300.00

TOTAL: Parking Garage A \$ 600.00

Parking Garage B

(2 Units)

Esco Hydraulic Passenger #1 \$ 300.00

Esco Hydraulic Passenger #2 \$ 300.00

TOTAL: Parking Garage B \$ 600.00

Parking Garage E

(2 Units)

Dover VVVF-T4 Passenger #1 \$ 450.00

Dover VVVF-T4 Passenger #2 \$ 450.00

TOTAL: Parking Garage E \$ 900.00

Parking Garage F

(2 Units)

Dover DMC Hydraulic Passenger #1 \$ 300.00

Dover DMC Hydraulic Passenger #2 \$ 300.00

TOTAL: Parking Garage F \$ 600.00

Parking Garage G

(1 Unit)

Dover DMC Hydraulic Passenger #1 \$ 300.00

TOTAL: Parking Garage G \$ 300.00

Parking Garage Q

(2 Units)

Dover VVVF-T4 Passenger #1 \$ 450.00

Dover VVVF-T4 Passenger #2 \$ 450.00

TOTAL: Parking Garage Q \$ 900.00

Parking Garage R

(4 Units)

Dover VVVF-T4 Passenger #1 \$ 450.00

TOTAL: Parking Garage R \$ 1800.00

Central Services Building

(4 Units)

Dover Solid State Hydraulic Passenger #1	\$ <u>300.00</u>
Dover Solid State Hydraulic Passenger #2	\$ <u>300.00</u>
Westinghouse Hydraulic #3	\$ <u>300.00</u>
Porch Lift Screw	\$ <u>200.00</u>

TOTAL: Central Services Building \$ 1100.00

Central Services Annex

(1 Unit)

Dover DMC Hydraulic Passenger #1	\$ <u>300.00</u>
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TOTAL: Central Service Annex \$ 300.00

Parking Garage P

(3 units)

Dover DMC 1 - Hydraulic #1	\$ <u>300.00</u>
Dover DMC 1 - Hydraulic #2	\$ <u>300.00</u>
Dover DMC 1 - Hydraulic #3	\$ <u>300.00</u>

TOTAL: Parking Garage P \$ 900.00

Promontory Point

(1 units)

Dover DMC 1 - Hydraulic #1	\$ <u>300.00</u>
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TOTAL: Promontory Point \$ 300.00

Thomas J. Rusk Building

(4 units)

MCE 4000 Passenger 1	\$ <u>450.00</u>
MCE 4000 Passenger 2	\$ <u>450.00</u>
MCE 4000 Passenger 3	\$ <u>450.00</u>
MCE 4000 Passenger 4	\$ <u>450.00</u>

TOTAL: Thomas J. Rusk Building \$ 1800.00

William B. Travis Building

(9 units)

MCE I-DC-01 Passenger 1	\$ <u>450.00</u>
MCE I-DC-01 Passenger 2	\$ <u>450.00</u>
MCE I-DC-01 Passenger 3	\$ <u>450.00</u>
MCE I-DC-01 Passenger 4	\$ <u>450.00</u>
MCE I-DC-01 Passenger 5	\$ <u>450.00</u>
MCE I-DC-01 Passenger 6	\$ <u>450.00</u>
MCE I-DC-01 Passenger 7	\$ <u>450.00</u>
MCE I-DC-01 Passenger 8	\$ <u>450.00</u>
MCE I-DC-01 Freight 9	\$ <u>450.00</u>

TOTAL: William B. Travis Building

\$ 4050.00

Courts Complex (Supreme Court Building, Tom C. Clark Building & Price Daniel Building)

(12 units)

Dover Hydraulic DMC #1	\$ 300.00
Dover Hydraulic DMC #2	\$ 300.00
Dover Passenger T-3 #3	\$ 375.00
Dover Passenger T-3 #4	\$ 375.00
Dover Passenger T-3 #5	\$ 375.00
Dover Hydraulic LMH #6	\$ 300.00
Dover Hydraulic LMH #7	\$ 300.00
Dover Passenger T-3 #8	\$ 375.00
Dover Passenger T-3 #9	\$ 375.00
Dover Passenger T-3 #10	\$ 375.00
Dover Passenger T-3 #11	\$ 375.00
Dover Relay Logic Passenger #12	\$ 350.00

TOTAL: Courts Complex

\$ 4175.00

Lorenzo de Zavala Archives and Library Building

(2 Units)

KONE Passenger #1 (Main Lobby)	\$ 375.00
KONE Passenger #2 (Stacks)	\$ 375.00

TOTAL: Lorenzo de Zavala Archives and Library Building

\$ 750.00

John H. Reagan Building

(4 Units)

KONE Miprom Passenger #1	\$ 450.00
KONE Miprom Passenger #2	\$ 450.00
KONE Miprom Passenger #3	\$ 450.00
KONE Miprom Freight #4	\$ 450.00

TOTAL: John H. Reagan Building

\$ 1800.00

Sam Houston Building

(4 Units)

Dover Passenger T-4 VVVF #1	\$ 450.00
Dover Passenger T-4 VVVF #2	\$ 450.00
Dover Passenger T-4 VVVF #3	\$ 450.00
Dover Passenger T-4 VVVF #4	\$ 450.00

TOTAL: Sam Houston Building

\$ 1800.00

Insurance Building

(2 Units)

Motion M4000 Passenger #1	\$ 450.00
Motion M4000 Passenger #2	\$ 450.00

TOTAL: Insurance Building

\$ 900.00

NOTE: Elevators at the Insurance Building are under warranty until March 1, 2016. Services under this contract will not be performed on elevators at the Insurance Building until expiration of the warranty period.

Insurance Annex Building

(2 units)

MCE 4000 Passenger 1 \$ 450.00
MCE 4000 Passenger 2 \$ 450.00

TOTAL: Insurance Annex Building

\$ 900.00

Robert E. Johnson Building

(7 Units)

Dover Passenger #1 VVVF - T4 \$ 450.00
Dover Passenger #2 VVVF - T4 \$ 450.00
Dover Passenger #3 VVVF - T4 \$ 450.00
Dover Passenger #4 VVVF - T4 \$ 450.00
Dover Passenger #5 VVVF - T4 \$ 450.00
Dover Passenger #6 VVVF - T4 \$ 450.00
Dover Passenger #7 VVVF - T4 \$ 450.00

TOTAL: Robert E. Johnson Building

\$ 3150.00

HOURLY LABOR RATE and MATERIALS

The following prices are for services that are not included in the normal preventative maintenance of elevators but would be incurred as a result of unusual circumstances requiring additional parts, components, materials, and labor.

Labor:

Straight time* hourly rate per qualified elevator maintenance mechanic: \$ 135.00

Straight time* hourly rate per elevator maintenance helper: \$ 105.00

Overtime** hourly rate per qualified elevator maintenance mechanic: \$ 203.00

Overtime** hourly rate per elevator maintenance helper: \$ 158.00

Materials:

Material Markup: Contractor shall invoice at MSRP/List*** minus 0 percent

Materials purchased at local retail outlets by Contractor field staff. Contractor shall invoice at cost (sales receipt/invoiced price).

Payment and Performance Bonds (if required): Contractor shall invoice at cost (sales receipt/invoiced price).

*Straight time is defined as 7:00 AM – 6:00 PM Monday through Friday.

**Overtime is defined as any hours that fall outside of Normal Hours or Weekends.

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EXHIBIT A-1

BUILDING LIST AND COMPENSATION & FEES

GROUP #2 – NORTH AUSTIN COMPLEX ELEVATORS

	<u>Cost Per Month</u>
John H. Winters Human Services Complex	
(8 units)	
MCE 4000 Passenger 1	\$ <u>450.00</u>
MCE 4000 Passenger 2	\$ <u>450.00</u>
MCE 4000 Passenger 3	\$ <u>450.00</u>
MCE 4000 Passenger 4	\$ <u>450.00</u>
MCE 4000 Freight 5	\$ <u>450.00</u>
MCE 4000 Passenger 6	\$ <u>450.00</u>
MCE 4000 Passenger 7	\$ <u>450.00</u>
MCE 4000 Passenger 8	\$ <u>450.00</u>
Montgomery Hydraulic Passenger 9 (KONE)	\$ <u>450.00</u>
Montgomery Hydraulic Passenger 10 (KONE)	\$ <u>300.00</u>
TOTAL: John H. Winters Building	\$ <u>4200.00</u>
 <u>DARS-Administration Building</u>	
(1 Unit)	
Dover Solid State Passenger	\$ <u>300.00</u>
TOTAL: DARS – Administration Building	\$ <u>300.00</u>
 <u>Brown-Heatly Office Complex</u>	
(5 Units)	
Dover Computamatic Passenger #1	\$ <u>565.00</u>
Dover Computamatic Passenger #2	\$ <u>565.00</u>
Dover Computamatic Passenger #3	\$ <u>565.00</u>
Dover Computamatic Passenger #4	\$ <u>565.00</u>
Dover Computamatic Service #5	\$ <u>565.00</u>
 <u>Parking Garage H</u>	
(4 Units)	
Dover Relay Logic Passenger #6	\$ <u>445.00</u>
Dover Relay Logic Passenger #7	\$ <u>445.00</u>
Dover DMC Hydraulic Passenger #8	\$ <u>445.00</u>
Dover DMC Hydraulic Passenger #9	\$ <u>445.00</u>
TOTAL: Brown-Heatly Office Complex	\$ <u>4610.00</u>

Human Services Warehouse Facility

(1 Unit)

Dover Relay Logic Passenger

\$ 425.00

TOTAL: Human Services Warehouse Facility

\$ 425.00

State Records Center

(2 Unit)

Cargo Lift (No Manufacturer / Model noted)

\$ 425.00

Cargo Lift (No Manufacturer / Model noted)

\$ 425.00

TOTAL: State Records Center

\$ 850.00

TDH COMPLEX

Robert D Moreton Building (4 units)

Elevator Control Engineering Passenger #1

\$ 475.00

Elevator Control Engineering Passenger #2

\$ 475.00

Elevator Control Engineering Passenger #3

\$ 475.00

Elevator Control Engineering Passenger #4

\$ 475.00

TOTAL: Robert D Moreton Building

\$ 1900.00

Robert B Bernstein Building (DSHS G Building) (2 units)

Motion Control Engineering Passenger #1

\$ 420.00

Motion Control Engineering Passenger #2

\$ 420.00

TOTAL: Robert B Bernstein Building

\$ 840.00

DHNL (3 Units)

Thyssen TAC 50 Passenger #1

\$ 335.00

Thyssen TAC 50 Passenger #2

\$ 335.00

Thyssen TAC 50 Freight #3

\$ 335.00

TOTAL: DHNL

\$ 1005.00

DHB (old MHMR)

(2 units)

Dover LMH - B Hydraulic Passenger #1

\$ 370.00

Dover LMH - B Hydraulic Passenger #2

\$ 370.00

TOTAL: DHB (old MHMR)

\$ 740.00

TOTAL MONTHLY COST NORTH AUSTIN COMPLEXES

\$ 11,145.00

HOURLY LABOR RATE and MATERIALS

The following prices are for services that are not included in the normal preventative maintenance of elevators but would be incurred as a result of unusual circumstances requiring additional parts, components, materials, and labor.

Labor:

Straight time* hourly rate per qualified elevator maintenance mechanic: \$ 135.00

Straight time* hourly rate per elevator maintenance helper: \$ 105.00

Overtime** hourly rate per qualified elevator maintenance mechanic: \$ 203.00

Overtime** hourly rate per elevator maintenance helper: \$ 158.00

Materials:

Material Markup: Contractor shall invoice at MSRP/List*** minus 0 percent

Materials purchased at local retail outlets by Contractor field staff. Contractor shall invoice at cost (sales receipt/invoiced price).

Payment and Performance Bonds (if required): Contractor shall invoice at cost (sales receipt/invoiced price).

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EXHIBIT A-1

BUILDING LIST AND COMPENSATION & FEES

GROUP #3 – TEXAS SCHOOL FOR THE DEAF

Koen Hall

(1 Unit)

MCE HMC-1000 Hydraulic Passenger \$ 220.00

Lewis Hall

(1 Unit)

MCE HMC-1000 Hydraulic Passenger \$ 220.00

Ford Building

(1 Unit)

MCE HMC-1000 Hydraulic Passenger \$ 220.00

Pease/Administration Building

(1 Unit)

Dover Solid State Hydraulic Passenger \$ 250.00

High School

(1 Unit)

MCE HMC-1000 Hydraulic Passenger \$ 220.00

Middle School

(1 Unit)

MCE HMC-1000 Hydraulic Passenger \$ 220.00

Columbo Swim Center (outside)

(1 Unit)

MCE HMC-1000 Hydraulic Passenger \$ 220.00

Columbo Swim Center (inside)

(1 Unit)

MCE HMC-1000 Hydraulic Passenger \$ 220.00

Auditorium

(1 Unit)

Nation Wheel-O-Vator Model BC60 \$ 110.00

TOTAL MONTHLY COST TEXAS SCHOOL FOR THE DEAF \$ 1900.00

HOURLY LABOR RATE and MATERIALS

The following prices are for services that are not included in the normal preventative maintenance of elevators but would be incurred as a result of unusual circumstances requiring additional parts, components, materials, and labor.

Labor:

Straight time* hourly rate per qualified elevator maintenance mechanic: \$ 135.00

Straight time* hourly rate per elevator maintenance helper: \$ 105.00

Overtime** hourly rate per qualified elevator maintenance mechanic: \$ 203.00

Overtime** hourly rate per elevator maintenance helper: \$ 158.00

Materials:

Material Markup: Contractor shall invoice at MSRP/List*** minus 0 percent

Materials purchased at local retail outlets by Contractor field staff. Contractor shall invoice at cost (sales receipt/invoiced price).

Payment and Performance Bonds (if required): Contractor shall invoice at cost (sales receipt/invoiced price).

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