

TFC IDIQ Contract No. 18-111-000
Engineered Air Balance Company, Inc.
Assignment No. 1
Project No. 18-014A-5531

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
ENGINEERED AIR BALANCE COMPANY, INC.**

TFC CONTRACT NO. 18-111-000

ASSIGNMENT NO. 1

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 1 (hereinafter referred to as “Assignment No. 1” or “Assignment”) is entered into by and between the Texas Facilities Commission, located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as “TFC”) and Engineered Air Balance Company, Inc. located at 12961 Park Central, Suite 1390, San Antonio, Texas 78216 (hereinafter referred to as “PSP”) (TFC and PSP are hereinafter referred to individually as a “Party” or collectively as “Parties”), to be subject to the terms and conditions that follow:

DESCRIPTION OF PROJECT: The project for which PSP agrees to provide Professional Services is generally described as Construction Phase Testing, Adjusting, and Balancing services for Health and Human Services Buildings including the Brown Heatly, Robert D. Moreton buildings, and the Department of State Health Services (DSHS) Records, Tower and Services buildings, including four alternates for four floors of VAV’s (variable air volume) and 10% contingency for additional services (hereinafter referred to as the “Project”), as further depicted in “Exhibit A-1,” PSP’s IDIQ Assignment No. 1 Proposal dated May 5, 2020, attached hereto and incorporated herein for all purposes and consisting of three (3) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 1 shall be completed no later than August 31, 2022, unless terminated earlier as provided in Section 3.2 of the Agreement. The schedule is subject to adjustments for possible time extension; however, any extension of time must be approved by the TFC and shall require an amendment to Assignment No. 1.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 1.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 1 with its own forces unless otherwise specified. If the scope of services is less than \$100,000.00, a HUB Subcontracting Plan (HSP) is not required. If the scope of services will exceed \$100,000.00, PSP shall submit an HSP for approval pursuant to Section 11.2 of the Agreement.

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FEE FOR BASIC SERVICES: Fee for the services set forth in this Assignment No. 1 shall not exceed the sum of One Hundred Seventy-Nine Thousand Two Hundred Seventy-Two and 50/100 Dollars (\$179,272.50). 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.

IDENTIFICATION OF PSP PROJECT MANAGER AND ALL SUBCONTRACTOR: For this Assignment No. 1, PSP shall identify the Project Manager, PSP's employees and all subcontractors assigned to this project on the List of Project Manager and Subcontractors (hereinafter referred to as the "List"), attached hereto and incorporated herein for all purposes as "Exhibit B-1."

TFC reserves the right to approve the appointment of the PSP Project Manager and to demand that the Project Manager, and any of PSP's employees or subcontractors, be removed and replaced if, in the sole opinion of TFC, their performance on this project or any other projects, is and/or was inadequate or their continued involvement with the Project is, will, or has become detrimental to the timely and successful completion of the project.

The Project Manager and Subcontractors identified in the List shall not be replaced by PSP, nor shall any other subcontractors be engaged by PSP, unless prior written consent is obtained from TFC, which consent shall not be unreasonably withheld, conditioned, or delayed.

ENTIRE AGREEMENT AND MODIFICATION: The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Assignment specifically displays a mutual intent to amend a particular part of this Assignment, general conflicts in language between any such attachment and this Assignment shall be construed consistently with the terms of this Assignment. Unless otherwise expressly authorized by the terms of this Assignment, no modification, renewal, extension, or amendment to this Assignment shall be binding upon the Parties unless the same is in writing and signed by the respective Parties hereto.

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This Assignment shall be effective as of the date of the last Party to sign.

TEXAS FACILITIES COMMISSION

**ENGINEERED AIR BALANCE
COMPANY, INC.**

DocuSigned by:
By: Mike Novak, Executive Director
B1C9FC0A8620417...

DocuSigned by:
By: Daryl M. Norris, Branch Manager
4930C9E3876047F...

Mike Novak

Daryl M. Norris

Executive Director

Branch Manager

Date of execution: 05/11/2020 | 10:51 AM CDT

Date of execution: 05/11/2020 | 9:39 AM CDT

PM KP

GC CR

Dir MW

DED JK

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EXHIBIT A-1

PSP'S IDIQ ASSIGNMENT NO. 1 PROPOSAL DATED MAY 5, 2020]



San Antonio
 12961 Park Central, Suite 1390
 San Antonio, Texas 78216
 Tel: 210-736-9494
 eabsa@eabcoinc.com
 www.eabcoinc.com

May 5, 2020

Texas Facilities Commission
 1711 San Jacinto Blvd.
 Austin, Texas 78701

Attention: Kathryn Panak

Re: **Proposal No. 3200102-1-3**
 TFC IDIQ Contract No. 18-111-000 - Brown Heatly Building
 Austin, Texas

We are pleased to propose our services to test and balance the heating, ventilating and air conditioning systems in the subject project. In particular, we are proposing our services per the Mechanical Plans dated February 19, 2020 and Specification Section 23 05 93 entitled "Testing, Adjusting and Balancing for HVAC."

Proposed Services:

Field Document Preparation	\$3,485.00
Coordination Meetings (12 total).....	\$2,520.00
Periodic (7 total) and Opposite Season Inspections	\$11,550.00
Unit Casing Leakage and Deflection Testing	\$11,340.00
Testing, Adjusting and Balancing per AABC Standards	\$48,195.00
Control Verification	\$12,945.00
Sound Level Readings (5 locations)	\$525.00
Final Report Preparation	<u>\$5,225.00</u>

TOTAL PRICE FOR THE ABOVE SERVICES\$95,785.00

Alternates:

VAV Level 4 Retrofit	(ADD) \$24,025.00
VAV Level 5 Retrofit	(ADD) \$21,770.00
VAV Level 6 Retrofit	(ADD) \$10,510.00
VAV Level 7 Retrofit	(ADD) \$10,885.00

Clarifications:

1. This proposal assumes provisions to Engineered Air Balance Co., Inc. for direct access (hardware, software, and technical assistance) to all parts and aspects of the control system for balancing purposes, control verification, and all follow-up services at no additional cost to Engineered Air Balance Co., Inc. for the duration of the project.
2. This proposal includes a onetime follow-up re-verification of deficiencies noted by Engineered Air Balance Co., Inc. If discrepancies are found still outstanding, additional re-verification will be charged at our hourly rate plus expenses.

	Rate
Regular Time	\$105.00 / man hr.
Overtime	\$135.00 / man hr.
Premium Time	\$165.00 / man hr.

3. Testing of the duct-mounted smoke detectors is not required in the Testing and Balancing Specification Section and is the responsibility of the licensed installation contractor. Neither minimum differential pressure nor sequence testing of the duct-mounted smoke detectors is included in this proposal.
4. This proposal includes all systems to be balanced per AABC National Standards including instrumentation, tolerances, and procedures. Testing and balancing reports will be submitted on forms developed by Engineered Air Balance Co., Inc.
5. Providing and installing drive components (pulleys, sheaves, belts, motor, speed drives, etc.) is the responsibility of the manufacturer or installation contractor.
6. As-built and schematic drawings of the project installation (ductwork, piping, etc.) are the responsibility of the installation Contractor. Engineered Air Balance Co., Inc. will provide colored electronic drawings of our take-off.
7. Providing and installing dampers, valves, test ports, or other components required for testing and balancing are the responsibility of the installation contractor.
8. The specified preconstruction inspection was completed by others and is excluded from this proposal.

This proposal will expire thirty (90) days from the date shown above. *Please reference this proposal number on all correspondence.* We thank you for the opportunity of proposing our services. If we may be of further assistance, please contact our office.

Respectfully Submitted,

ENGINEERED AIR BALANCE CO., INC.

Daryl M Norris

Daryl M. Norris
Branch Manager, San Antonio Office

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EXHIBIT B-1

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

**LIST OF PSP PROJECT MANAGER
AND
SUBCONTRACTORS
(Engineered Air Balance Co., Inc, Daryl Norris (Project Manager))**

A. PSP Project Manager:		Daryl Norris 12961 Park Central, Suite 1390 San Antonio, TX 78216 210-736-9494 dnorris@eabcoinc.com
B.		
Project Manager:	1.	Kane Lassiter, Jr. 12961 Park Central, Suite 1390 San Antonio, TX 78216 210-736-9494
Project Coordinator:	2.	Durwood Lassiter III 12961 Park Central, Suite 1390 San Antonio, TX 78216 210-736-9494
Project Supervisor:	3.	Albert De La Cruz 12961 Park Central, Suite 1390 San Antonio, TX 78216 210-736-9494
Project Supervisor	4.	Christopher Chandler 12961 Park Central, Suite 1390 San Antonio, TX 78216 210-736-9494
Project Supervisor	5.	Jonathan Vela 12961 Park Central, Suite 1390 San Antonio, TX 78216 210-736-9494