

**AMENDMENT NO. 2
TO THE
PROFESSIONAL ARCHITECTURAL/ENGINEERING SERVICES
AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
HMG & ASSOCIATES, INC.**

This Amendment No. 2 to the Professional Architectural/Engineering Services Agreement (hereinafter referred to as “Amendment No. 2”) 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, as Owner (as defined in UGC, Section 1.28), and HMG & Associates, Inc. (hereinafter referred to as “A/E”), located at 9606 North Mopac Expressway, Suite 350, Austin, Texas 78759 (hereinafter referred to collectively as the “Parties”), to amend the original Professional Architectural/Engineering Services Agreement, as amended, between the parties.

RECITALS

WHEREAS, on June 28, 2016, the parties entered into that one certain *Professional Architectural/Engineering Services Agreement Between the Texas Facilities Commission and HMG & Associates, Inc.* (hereinafter referred to as the “Agreement”); and

WHEREAS, on June 15, 2017, the parties entered into an Amendment No. 1 to the Agreement for the purpose of including certain Additional Services; and

WHEREAS, the parties desire to amend the Agreement to provide for Additional Services and Fees as more particularly described below;

NOW THEREFORE, the parties hereby agree as follows:

1. Unless clearly provided otherwise herein, all terms and phrases in initial caps herein shall have the same meaning as the terms and phrases with initial caps in the Agreement.
2. The parties agree to modify ARTICLE II – SCOPE OF SERVICES to include Additional Services generally described as provision of an assessment study to review the cause of water intrusion into Room B65, Sam Houston State Office Building located at 201 East 14th Street, Austin, Texas, 78701, as set forth in *A/E’s Additional Services Proposal and Fee Schedule dated May 8, 2017*, “Exhibit A-2,” attached hereto and incorporated herein for all purposes.
3. The parties agree to modify ARTICLE IV – CONSIDERATION, SECTION 4.1 – CONTRACT LIMIT–FEES AND EXPENSES, SUBSECTION 4.1.1 – FIXED FEE, by reflecting additional compensation to the A/E for Additional Services to be provided under this Amendment No. 2 in the amount of One Hundred Thirty Five Thousand Eight Hundred Forty Five and No/100

Dollars (\$135,845.00), thus increasing the total amount of the Agreement from One Million Six Hundred Seventy Six Thousand Nine Hundred and No/100 Dollars (\$1,676,900.00), to a total not to exceed amount of One Million Eight Hundred Twelve Thousand Seven Hundred Forty Five and No/100 Dollars (\$1,812,745.00).

4. The parties agree to modify ARTICLE V – ACKNOWLEDGMENT, COVENANTS, AND AGREEMENTS, SECTION 5.2 – ACKNOWLEDGMENTS, COVENANTS, AND AGREEMENTS OF A/E, SUBSECTION 5.2.8 – IDENTIFICATION OF PROJECT MANAGER AND ALL SUBCONTRACTORS, by amending Exhibit F, List of A/E Project Manager and Subcontractors, to add Exhibit F-2, List of Additional A/E Project Manager and Subcontractors, for this Amendment No. 2, attached hereto and incorporated herein for all purposes.

5. All other terms and conditions of the Agreement not expressly amended herein shall remain in full force and effect.

TEXAS FACILITIES COMMISSION

HMG & ASSOCIATES, INC.

By:  _____

By:  _____

Harvey Hilderbran

William E. Harris, Jr.

Executive Director

President

Date of execution: 7/6/17

Date of execution: 7/5/17

G.C. NRG

Dir. mw

D.E.D. M

TFC CONTRACT NO. 16-112-002

AMENDMENT NO. 2

EXHIBIT A-2

A/E'S ADDITIONAL SERVICES PROPOSAL AND FEE SCHEDULE

DATED MAY 8, 2017



9606 N. MoPac Expwy., Suite 350
Austin, Texas 78759
(512) 794-8234
FAX (512) 794-8239

May 8, 2017

Mr. Daniel Yen
Texas Facilities Commission
1711 San Jacinto Blvd.
Austin, Texas 78701

RE: SHB – Basement Emergency Project Fees – Design and Construction Phase

Daniel,

The scope of this work is to provide an assessment study for the Sam Houston Building, and in particular, a review of the cause of the water intrusion into Room B65. The project will include design of the following which contribute to the water events at B65 as determined/discussed in the report:

- Site topography
- Site drainage
- The effects of the adjacent monument
- The existing outside air intake
- The existing outside air ductwork

Civil Engineering

- Scope of Work
 - Modify existing drainage system near monument
 - Design drainage improvements
 - Attend meetings with TFC staff to obtain approvals
- Deliverables
 - Provide plans and specifications depicting drainage improvements near the monument near the northwest corner of SHB affecting the proper site drainage.
 - Provide cost estimates

Architectural and Structural

- Scope of Work
 - Coordinate documents with team members to insure all aspects of surface drainage
 - Design of granite outside air enclosure raising approximately 10 ft above grade. Enclosure to have the required structural support and a sloped top for drainage. The outside air louvers will be in the face of the granite shaft.
- Deliverables
 - Provide construction phasing plan
 - Provide drawings and specifications for outside air intake
 - Provide design of new ceiling in B65
 - Provide cost estimates

Mechanical and Electrical Engineering

- Scope of Work
 - Design of replacement outside air duct and insulation in room B65
 - Louver sizing information to be forwarded to the architect
 - Attend meetings with consultants
 - Review of documents prepared by consultants
 - Design solution to raise outside air intake structure and new louvers
 - Design lighting/ceiling, fire alarm, sprinklers to be replaced during duct replacement
 - Replace outside air ductwork

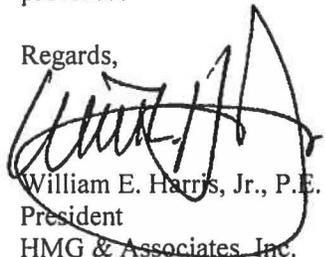
- Deliverables
 - Provide drawings of scope of work for replacement of outside air duct and intake structure
 - Provide cost estimates
 - Attend meetings with Preservation Board and TFC as required

The summary is as follows:

MEP Hours	286 hrs.	
MEP Fee		\$39,870
Civil Hours	219 hrs.	
Civil Fee		\$30,975
Architectural/Structural Hours	572 hrs.	
Architectural/Structural Fee		\$65,000
Total Estimated Hours	612 hrs.	
Total Maximum Fee		\$135,845

We propose to invoice hourly with a not to exceed fee noted herein per firm, based upon the scope provided.

Regards,



William E. Harris, Jr., P.E.
 President
 HMG & Associates, Inc.
 Firm Registration # F-2597

Cc: Marc Hobbs
 June Routh
 Kent Niemann

(Attachments)

Attachment 'A'
Urban Design
Civil Engineering
Scope / Fees

Urban Design Group - 4/26/2017 Sam Houston Bldg Drainage System Design Fee Proposal

TASK	PRINCIPAL (JR)		EIT (MM)		CAD TECH VII (JT)		TECH (BP)		TOTAL
	RATE	\$	RATE	\$	RATE	\$	RATE	\$	
	HOURS	SUBTOTAL	HOURS	SUBTOTAL	HOURS	SUBTOTAL	HOURS	SUBTOTAL	
TASK - Proposed drainage design within this fee proposal is limited to grading and new storm pipes/inlets for the area adjacent to SHB building. We have assumed there will be adequate existing facilities to tie to. No redesign of existing drainage systems is included.									
1. Construction Documents									
Preparation of detailed grading, drainage, and e/s plans	40	\$ 9,000.00	60	\$ 5,400.00	55	\$ 4,125.00		\$ -	\$ 18,525.00
Subtotal	40	\$ 9,000.00	60	\$ 5,400.00	55	\$ 4,125.00	0	\$ -	\$ 18,525.00
2. Bidding Phase (assumes HMG will prepare all bidding documents)									
Assistance with quantities/civil work scope definition	12	\$ 2,700.00		\$ -		\$ -	4	\$ 300.00	\$ 3,000.00
Address contractor/bidding questions regarding civil scope	4	\$ 900.00		\$ -		\$ -	2	\$ 150.00	\$ 1,050.00
Subtotal	16	\$ 3,600.00	0	\$ -	0	\$ -	6	\$ 450.00	\$ 4,050.00
3. Construction Phase Services									
Attendance at Pre-con meeting	2	\$ 450.00		\$ -		\$ -		\$ -	\$ 450.00
Periodic site visits (2 hrs/mth for 6 month period)	12	\$ 2,700.00		\$ -		\$ -		\$ -	\$ 2,700.00
Review of submittals and preparation of responses to RFI's	16	\$ 3,600.00		\$ -		\$ -	6	\$ 450.00	\$ 4,050.00
Preparation of and assistance with punch list	5	\$ 1,125.00		\$ -		\$ -	1	\$ 75.00	\$ 1,200.00
Subtotal	35	\$ 7,875.00	0	\$ -	0	\$ -	7	\$ 525.00	\$ 8,400.00
TOTALS	91	\$ 20,475.00	60	\$ 5,400.00	55	\$ 4,125.00	13	\$ 975.00	\$ 30,975.00

Attachment 'B'
Pfluger & Associates
Architectural and Structural
Scope / Fees

Task 5. Based on the TFC approval of the interior scope of work , develop the contract documents to make the architectural modifications needed construct the new interior ductwork for the fresh air intake. (two sheets with multiple scopes of work on each sheet)								
	1	4	16	36	4		2	
Task 6. Two sets of CD review meetings with team and TFC		8	8					8
The shaft extension will be granite clad to match the SHB granite. The shaft shall have a waterproof roof and walls. The inlet louver free area will be recommended by HMG.								
Task 6. Project biddings tasks		8	16	2			4	2
• Replacement of the ceiling in B65.								
• Work with JQ on structural engineering required and include their fees.								
• Attend meeting with TFC to present options.								
• Provide plans and specifications for bidding and construction. Specifications to include Division 00 and 01, General Conditions, and Supplementary Conditions.								
Task 6. Project construction administration tasks (based on 180 days of construction)	6		12	4			24	
• Attend weekly meetings as needed during duration of construction.		24				52		
• Answer contractors questions.			52					12
• Provide observations during construction of architectural and structural items.						52		24
Hours	8	63	165	114	10	104	40	68
Hourly Rates	225	150	125	85	110	90	65	150
Totals	\$1,800.00	\$9,450.00	\$20,625.00	\$9,690.00	\$1,100.00	\$9,360.00	\$2,600.00	\$10,200.00
	\$64,825.00							

Probable Architectural and Structural Project Fee \$65,000

HMG will provide MEP engineering related to this work:

- Coordinate work of consultants.
- Attend meetings at the site during design.
- Obtain drawings from TFC required for the work.
- Advise CMR of duct tests required.
- Provide initial tests of basement walls related to potential moisture transfer through walls
- engage the teams envelope consultant as needed to advise if additional work is required for waterproofing of basement walls.
- Prepare demolition/new drawings for new outside air chase and outside air ductwork and air devices, as well as lighting for new ceilings.
- Calculate intake louver free areas required.
- Prepare plans and specifications for bidding and construction.
- Attend weekly meetings during construction as required.
- Answer contractors questions.
- Provide required review of MEP portions of construction.

Attachment 'C'
HMG & Associates, Inc.
Mechanical, Electrical and Plumbing Engineering
Scope / Fees

MEP Scope of Work and Associated Fees
SHB Basement Design and Construction Administration – B65

<u>Scope</u>	<u>CAD / Clerical</u>	<u>Engineer</u>
• Project Management	8	80
• Review drawings	2	8
• Follow-up visits to site <ul style="list-style-type: none"> ○ Ductwork, airflows, supports, ceilings, fire alarm, sprinklers, open existing louver, lighting, (check wall moisture levels and document results) 	4	16
• Design demolition MEP	8	12
• Design new MEP	16	16
• Input to architect for louver free area or location	2	12
• Specifications (MEP)	4	10
• Review cost estimates	1	12
• Meetings with TFC to discuss progress (4)	4	12
• Attend pre-bid	1	2
• Answer questions during bidding	1	2
• Attend meetings at the site (12) during construction	6	30
• Review submittals	2	4
• Answer questions during construction	<u>3</u>	<u>8</u>
	62 hrs	224 hrs.

Fee: 62 hrs. x \$65 + 224 hrs. x \$160 = \$39,870

TFC CONTRACT NO. 16-112-001

AMENDMENT NO. 2

EXHIBIT F-2

LIST OF ADDITIONAL A/E PROJECT MANAGER AND SUBCONTRACTORS

FOR AMENDMENT NO. 2

Amendment No. 2
Exhibit F-2
Lisa of Additional A/E Project Manager & Subcontractors for
Amendment No. 2

A. Project Manager: HMG & Associates, Inc.	Bill Harris 9606 N Mopac Expy Ste 350 Austin, TX 78759 512-794-8234 512-917-6639 (cell) bharris@hmg-associates.com
B. Subconsultants:	
Pfluger Architects	Kent Niemann 209 East Riverside Drive Austin, Texas 78704 512-476-4040 512-658-7818 (cell) kent@pflugerarchitects.com
Urban Design Group PC	June Routh 3660 Stoneridge Rd. #E101 Austin, TX 78746 512-347-0040 Ext. 120 512-695-9956 (cell) jrouth@udg.com