

TFC Contract No. 18-091-000  
Huitt-Zollars, Inc.  
Assignment No. 2  
20-026-5120

**INDEFINITE DELIVERY INDEFINITE QUANTITY  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
THE TEXAS FACILITIES COMMISSION  
AND  
HUITT-ZOLLARS, INC.**

**TFC CONTRACT NO. 18-091-000**

**ASSIGNMENT NO. 2**

**THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 2** (hereinafter referred to as “Assignment No. 2” 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 Huitt-Zollars, Inc., located at 3701 Executive Center Drive, Suite 101, Austin, Texas 78731 (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 engineering study, evaluation and cost assessment for the decommissioning of Lutran lighting controls systems and upgrade to LED in the Texas Supreme Court Building, the Texas Court of Criminal Appeals Building, the Texas State Law Library and the Texas 3<sup>rd</sup> Court of Appeals Building, in Austin, Texas (hereinafter referred to as the “Project”), as further depicted in “Exhibit A-2,” PSP’s IDIQ Assignment No. 2 Proposal dated February 25, 2020, attached hereto and incorporated herein for all purposes and consisting of four (4) pages.

**DURATION OF ASSIGNMENT:** The scope of services of this Assignment No. 2 shall be completed no later than July 31, 2020, 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. 2.

**SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT:** Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 2.

**SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT:** PSP shall perform the services under this Assignment No. 2 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. 2 shall not exceed the sum of Fifty-Two Thousand Seven Hundred and No/100 Dollars (\$52,700.00). 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.

**IDENTIFICATION OF PSP PROJECT MANAGER AND ALL SUBCONTRACTOR:** For this Assignment No. 2, 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-2."

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.

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**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.

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

**TEXAS FACILITIES COMMISSION      HUITT-ZOLLARS, INC.**

By: DocuSigned by:  
MIKE NOVAK, TFC EXECUTIVE DIRECTOR DocuSigned by:  
Gregory R. Wine, Senior Vice President

Mike Novak

Gregory R. Wine

Executive Director

Senior Vice President

Date of execution: 03/24/2020 | 12:01 PM CDT

Date of execution: 03/24/2020 | 11:45 AM CDT

CR GC

FSD Dir

JR DED

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20-026-5120

**EXHIBIT A-2**

**PSP'S IDIQ ASSIGNMENT NO. 2 PROPOSAL DATED FEBRUARY 25, 2020**

# HUITT-ZOLLARS

HUITT-ZOLLARS, INC. | 10350 Richmond Ave. | Suite 300 | Houston, TX 77042-4248 | 281.496.0066 phone | 281.496.0220 fax | huitt-zollars.com

February 25, 2020

Lonnie Hsia, PMP, LC, PSM  
Project Manager  
Office of Energy Management  
Texas Facilities Commission  
Facilities Design & Construction Division  
1711 San Jacinto Blvd., 2nd floor  
Austin, Texas 78701

Reference: Lighting Improvements in the Texas Supreme Court Building, the Texas Court of Criminal Appeals Building, the Texas State Law Library and the Texas 3rd Court of Appeals Building in Austin, Texas  
TFC Contract No. 18-091-000

Subject: Proposal for Professional Engineering Services

Dear Mr. Hsia:

Huitt-Zollars, Inc. (Huitt-Zollars) appreciates the opportunity to provide this proposal for professional engineering services to the Texas Facilities Commission (TFC) for improvements to the lighting and lighting control systems in the Texas Supreme Court Building, the Texas Court of Criminal Appeals Building, the Texas State Law Library and the Texas 3rd Court of Appeals Building in Austin, Texas (Project). Our proposal is based upon the following project understanding, scope of services, compensation and schedule and the terms and conditions in our existing professional services agreement with TFC, Contract No. 18-091-000.

## **PROJECT UNDERSTANDING:**

TFC would like to remove and replace the lighting, lighting control systems and devices in the Texas Supreme Court Building, the Texas Court of Criminal Appeals Building, the Texas State Law Library and the Texas 3rd Court of Appeals Building. This project will be performed in (4) phases. Phase 1 consists of the field survey and preparation of a conceptual design with probable construction cost. Following approval of Phase 1 documents by TFC, Huitt-Zollars will provide a proposal for Phase 2 – Final Design, Phase 3 – Bidding and Phase 4 – Construction Administration.

## **SCOPE OF SERVICES:**

### **1.0 Basic Services:**

- 1.1 Phase 1 – Conceptual Design: Huitt-Zollars shall:
  - 1.1.1 Meet with TFC and stakeholders on site to review the Project's conditions.
  - 1.1.2 Investigate existing lighting layout, controls and devices and prepare measured drawings of the spaces in the project area.
  - 1.1.3 Perform a site survey of the project to obtain:
    - 1.1.3.1 Existing layout of lighting to include lighting types and colors
    - 1.1.3.2 Current control sequence of lighting to include lighting control panel locations
    - 1.1.3.3 Location of electrical panels services lights
    - 1.1.3.4 Desired lighting control zones and control schemes
  - 1.1.4 Prepare conceptual design documents consisting of:
    - 1.1.4.1 Plans
    - 1.1.4.2 List of specifications
    - 1.1.4.3 Manufacturers Product Sheets
    - 1.1.4.4 Opinion of Probable Construction Cost
  - 1.1.5 Submit Conceptual Design Documents to TFC for review and comment.
  - 1.1.6 Meet with TFC to discuss review comments.
- 1.2 Phase 2 – Final Design: Based on TFC approved conceptual design and cost estimate, Huitt-Zollars shall:

- 1.2.1 Prepare 30% construction documents (CD) consisting of drawings, list of technical specifications and updated construction cost estimate. Submit to TFC for review (PDF, 3 full-size and 1 half-size sets). Meet with TFC and review CDs with TFC. Respond in writing to all TFC's comments from CD review.
- 1.2.2 Prepare 70% construction documents consisting of drawings, technical specifications and updated construction cost estimate. Submit to TFC for review (PDF, 3 full-size and 1 half-size sets). Meet with TFC and review 70% CD review comments. Respond in writing to all TFC's comments from CD review.
- 1.2.3 Finalize and submit 100% (signed and sealed) Bid Ready Documents to include Drawings (PDF, 1 full-size set, 1-half-size set and flash drive), project manual with front end and technical specifications and updated construction cost estimate.
- 1.3 Phase 3 – Bidding: Huitt-Zollars shall attend the pre-bid conference, tabulate bids and prepare and submit a letter to TFC for a recommendation of construction contract award.
- 1.4 Phase 4 – Construction Administration
  - 1.4.1 Attend pre-construction conference.
  - 1.4.2 Conduct up to three (3) site visits during construction to determine if construction complies with the construction documents.
  - 1.4.3 Respond to requests for information.
  - 1.4.4 Review and respond to submittals.
  - 1.4.5 Conduct substantial completion and final inspections with contractor and TFC.
  - 1.4.6 Prepare record drawings based upon Construction Contractor's marked up "As-Built" drawings.

## 2.0 Additional Services:

Because the effort required for some items of work varies considerably from project to project, and because some items of work are sometimes provided separately by the TFC, these items of work are not included in the basic services fees and are charged separately. Additional Services, mutually agreed upon and authorized separately by the TFC in writing, shall be completed on a lump sum or an hourly basis in accordance with the attached hourly rate schedule. Such additional services may include:

- A. Environmental and Hazardous Materials surveys
- B. Any other service not otherwise included in the Basic Services

## 3.0 TFC-Provided Services:

TFC shall provide Huitt-Zollars with the following:

- A. Access to the Project
- B. Available Drawings and Reports

## COMPENSATION:

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### 1.0 Fee

Our estimated lump sum budget for performing the scope of services are as follows:

Phase 1 – Conceptual Design	\$ 22,200.00 (lump sum)
Phase 2 – Final Design	
30% Construction Documents	\$ 4,800.00 (lump sum)
70% Construction Documents	\$ 4,800.00 (lump sum)
100% Bid Ready Construction Documents	\$ 5,100.00 (lump sum)
Phase 3 – Bidding	\$ 2,600.00 (lump sum)
Phase 4 – Construction Administration	\$ 10,700.00 (lump sum)
Total	\$ 50,200.00 (lump sum)

**2.0 Reimbursable Expenses**

Reimbursable expenses shall include travel and reproduction of construction documents. Expenses are estimated to be \$2,500.00.

**3.0 Total Proposed Fee**

Total proposed fee is \$ 52,700.00.

**SCHEDULE:**

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Our estimated schedule for completing the Basic Services is as follows:

Phase 1	8 calendar weeks
Phase 2	8 calendar weeks
Phase 3	8 calendar weeks
Phase 4	8 calendar weeks
Phase 5	1 calendar weeks

**AUTHORIZATION:**

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Should this proposal meet with your approval and acceptance, please send us a TFC professional services agreement for this assignment for our execution. We will schedule the above services as soon as we receive your written authorization. If you have any questions, please call.

Respectfully submitted,  
HUITT-ZOLLARS, INC.



Gregory R. Wine, PE, LEED AP  
Senior Vice President



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**EXHIBIT B-2**

**LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS**

**LIST OF PSP PROJECT MANAGER  
AND  
SUBCONTRACTORS**  
(Name, Company Name, Address & Contact Person (Project Manager))

A. PSP Project Manager:		<u>Scott Parma, PE</u> (Name) <u>Huitt-Zollars, Inc.</u> (Company) <u>10350 Richmond Ave, Suite 300</u> <u>Houston, TX 77042</u> (Address) <u>817-313-1533</u> (Cell #) <u>sparma@huitt-zollars.com</u> (Email)
B. Subcontractors:		NONE
	1.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	2.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	3.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	4.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)