

TFC Contract No. 17-002-000
J. T. Vaughn Construction, LLC
Amendment No. 3
Project No. 18-022-2501
RFQ No. 303-6-01590

**AMENDMENT NO. 3
TO
CONSTRUCTION MANAGER-AT-RISK CONTRACT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
J. T. VAUGHN CONSTRUCTION, LLC**

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 J. T. Vaughn Construction, LLC (hereinafter referred to as “CMR”), located at 3920 North Interstate 35, Austin, Texas 78751 (hereinafter referred to collectively as the “Parties”), enter into the following *Amendment No. 3 to the Construction Manager-at-Risk Contract between the Texas Facilities Commission and J. T. Vaughn Construction, LLC* (hereinafter referred to as the “Amendment No. 3”).

WHEREAS, on September 9, 2016, the Parties entered into that one certain *Construction Manager-at-Risk Contract Between the Texas Facilities Commission and J. T. Vaughn Construction, LLC* (hereinafter referred to as the “Contract”); and

WHEREAS, on October 26, 2017, and on August 21, 2018, the Parties executed Amendment No. 1, and Amendment No. 2, respectively, for the purpose of providing additional Construction Management Services; and

WHEREAS, subject to Contract Section 2.1.4, TFC Approvals, the Parties desire to enter into this Amendment No. 3 in order to provide for funding of additional Construction Management Services to be performed at the State Finance Commission Building;

NOW, THEREFORE, the Parties agree to amend the Contract, as amended, as follows:

1. The Parties hereby agree to amend ARTICLE IV – CONSIDERATION, SECTION 4.2 – CONTRACT SUM-COMPONENTS, by reflecting an increase in compensation to be paid in the amount of Seven Thousand One Hundred Eighty-Five and No/100 Dollars (\$7,185.00), thus increasing the Contract Sum from Fifteen Million Six Hundred Forty-One Thousand Eighty-Seven and No/100 Dollars (\$15,641,087.00), to a new total amount not to exceed Fifteen Million Six Hundred Forty-Eight Thousand Two Hundred Seventy-Two and No/100 Dollars (\$15,648,272.00), which is the sum of the components indicated in sections 4.2.1 through 4.2.6, and contains a line item for the a control panel upgrade related to the boiler replacement at the State Finance Commission Building, located at 2601 North Lamar Boulevard, Austin, Texas, as more particularly set forth in Contractor’s Proposed Change Order Form B and Change Proposal No. 244801-0164, attached hereto and incorporated herein for all purposes as “Exhibit A-1.”

2. The Parties hereby agree to further modify ARTICLE IV – CONSIDERATION, SECTION 4.2 – CONTRACT SUM-COMPONENTS, so that it reads in its entirety as follows:

TFC Contract No. 17-002-000
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Amendment No. 3
Project No. 18-022-2501
RFQ No. 303-6-01590

“4.2. Contract Sum–Components. Upon execution of a GMP Acceptance, the Contract Sum shall not exceed Fifteen Million Six Hundred Forty-Eight Thousand Two Hundred Seventy-Two and No/100 Dollars (\$15,648,272.00), which is the sum of the following components.

4.2.1. Pre-Construction Management Fee. The Pre-Construction Management Fee as indicated in Section 4.1, above, not to exceed Thirty-Seven Thousand One Hundred Twenty-Three and No/100 Dollars (\$37,123.00).

4.2.2. Construction Management Fee. The Construction Management Fee not to exceed three and three quarter’s percent (3.75%) of the Cost of Work, which sum shall not exceed Four Hundred Fifty-Two Thousand Four Hundred Eighty-Eight and No/100 Dollars (\$452,488.00) and will be finalized as part of the Contract Sum in the GMP Acceptance.

4.2.3. General Conditions Fee. The General Conditions Fee not to exceed One Million Seven Hundred Twenty-Six Thousand Two Hundred Thirty-Eight and No/100 Dollars (\$1,726,238.00), which sum will be finalized as part of the Contract Sum in the GMP Acceptance.

4.2.4. Cost of Work. The Cost of Work will be adjusted and finalized as part of the Contract Sum in the GMP. The budget for the Cost of Work shall not exceed Twelve Million Sixty-Six Thousand Four Hundred Four and No/100 Dollars (\$12,066,404.00).

4.2.5. TFC Controlled Contingency. The TFC Controlled Contingency of One Million Three Hundred Sixty-Six Thousand Nineteen and No/100 Dollars (\$1,366,019.00), which sum shall be maintained through construction, and included in the Contract Sum and finalized in the GMP Acceptance.

4.2.6. Unused Contingencies. Any unused portion of the CMR Contingency and the TFC Controlled Contingency shall be returned to TFC at the completion of the Project through a credit Change Order to the Contract Sum.”

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TFC Contract No. 17-002-000
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3. Except as expressly amended above, the Contract remains in full force and effect.
IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment No. 1 to
be effective as of the date of the last party to sign.

TEXAS FACILITIES COMMISSION

J. T. VAUGHN CONSTRUCTION, LLC

By ^{DocuSigned by:} Mike Novak
B1C9FC0A8020417...

By: ^{DocuSigned by:} J. Thomas Vaughn
7F4B6DD9DF1045E...

Mike Novak

J. Thomas Vaughn

Executive Director

Chief Executive Officer

Date of execution: 4/30/2019

Date of execution: 04/29/2019 | 3:13 PM CDT

GC NRW

Dir MH

DED M

TFC Contract No. 17-002-000
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Exhibit A-3

**Contractor's Proposed Change Order Form B and
Change Proposal No. 244801-0164**



<h1>CONTRACTOR'S</h1> <h2>Proposed Change Order Form</h2>	B
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TO: Architect / Engineer

The following is a detailed cost breakdown, including both materials and labor for all additions to and/or deductions from the contract sum if the change described on form A is accepted. (Additional data necessary to support itemized figures is attached and identified below.)

18-022-2501

 TFC PROJECT NO.
 PCO-006
 Change Proposal 164

 PROPOSED CHANGE ORDER NO.

 3/4/2019

 DATE

Pursuant to TFC contract # 17-002-000, Vaughn respectfully submits the following Change Proposals for the Elevator Repairs/Replacement in 4 State Office Buildings.

CP-164 - SFB Siemens Panel Replacement

CP-164 Total Cost = \$15,214
 CM Contingency = (\$ 4,546) - Cost of Work
 Buyout Savings = (\$ 3,483) - Cost of Work
 Difference = \$ **7,185**

Cost of Work:	\$6,007.00
Fee (3.75%)	\$225.00
General Conditions	\$953.00
CM Contingency	\$0.00
Pre-Construction	\$0.00
Total Change	\$7,185.00
Transfer from Contingency	\$0.00

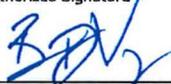
*** The date of substantial completion is February 20, 2020 ***

In accordance with contract # 17-002-000, approval of CM and Owner's Contingency is required to be approved as \$0 PCOs through IMPACT. Please see attached.

Total Addition / Deduction (circle one) to CONTRACT SUM if accepted: \$7,185

Request is made for addition of 0 CALENDAR DAYS to the contract period.

The above proposal is submitted for your consideration. The undersigned contractor understands and agrees that this proposal is validated only by the approved CHANGE ORDER attached hereto

 Authorized Signature


 J.T. Vaughn Construction LLC



300 E 15th Street
Austin, TX 78701

T: (512) 318-1332

March 04, 2019

Dorothy Spearman
Texas Facilities Commission
1711 San Jacinto Blvd
Austin, TX 78701

Re: State Office Bldg Elevators
Job No: 244801

Subj: Change Proposal No. 244801-0164

Dear Sir or Madam:

We respectfully submit our proposal for an increase to our contract in the amount of \$7,185 (seven thousand one hundred eighty-five) dollars to provide replacement of the existing Siemens Modular Equipment Controller (MEC) and associated point blocks with a Siemens PXM Controller for the above referenced project.

This change proposal totaling \$15,214 will be partially funded out of CM Contingency (\$4,546) and Buyout Savings (\$3,483). The remaining (\$7,185) will be funded from outside of the GMP and the applicable fee, bond, builder's risk, and general liability costs are included.

This change proposal assumes the following:

- Existing controller 120v power to be reused for new panel.
- Excludes any additional electrical installations.
- Includes making safe the existing Siemens system for panel migration.
- Includes modifications to the database in the existing Desigo CC GUI.
- Includes testing for proper operation.
- Siemens to migrate the existing database and points.
- IP modifications by Owner.
- Work to be performed during normal hours.
- Scope of work applicable to the State Finance Building only.

Our price is valid for Fourteen (14) days

Please indicate your acceptance of this change proposal by signing and returning one copy of the attached Form B breakdown of our cost.

Very truly yours,
VAUGHN CONSTRUCTION



Brian DeVaney

Change Proposal Detail Sheet

Rev. 1.12

Project No. & Name: 18-022-2501 TFC State Office Building Elevators

Change Proposal No. 164

Contractor Name: Vaughn Construction

Prepared By: Carmen Gust

Change Proposal Date 4-Mar-19

Description of Change: Replacement of the existing Siemens Modular Equipment Controller (MEC) and associated point blocks with a PXM Controller.

Line Item	Description	Quantity	Units	Unit Labor Cost	Approved Labor Burden Rate:			Labor Burden Total	Mat/Equip Unit Cost	Material Equipment Total	Subcontract
					Labor Hours	Labor Rate	Labor Total				
1	Beard	1.00	LS				0.00	0.00			13,862.00
2							0.00	0.00			
3	Subcontractor Default Insurance (Bond) - Beard	1.00	LS				0.00	0.00	173.28	173.28	
4							0.00	0.00		0.00	
5							0.00	0.00		0.00	
6							0.00	0.00		0.00	
7							0.00	0.00		0.00	
8							0.00	0.00		0.00	
9							0.00	0.00		0.00	
10							0.00	0.00		0.00	
11							0.00	0.00		0.00	
12							0.00	0.00		0.00	
13							0.00	0.00		0.00	
14							0.00	0.00		0.00	
15							0.00	0.00		0.00	
16	Buyout Savings	1.00	LS				0.00	0.00	-3,483.00	-3,483.00	
17	CM Contingency	1.00	LS				0.00	0.00	-4,546.00	-4,546.00	
18							0.00	0.00		0.00	
19							0.00	0.00		0.00	
20							0.00	0.00		0.00	
21							0.00	0.00		0.00	
22							0.00	0.00		0.00	
23	Subtotal						0.00	0.00		6,006.28	
24							0.00	0.00		0.00	
25							0.00	0.00		0.00	
26	General Conditions						0.00	0.00		0.00	
27	Asst. Superintendent	12.00	Hrs	64.00			768.00	0.00		0.00	
28							0.00	0.00		0.00	
29							0.00	0.00		0.00	
30	Fee (3.75%)						0.00	0.00		225.24	
31	Bond, General Liability & Builder's Risk						0.00	0.00		185.00	
32							0.00	0.00		0.00	
33							0.00	0.00		0.00	
34							0.00	0.00		0.00	
35							0.00	0.00		0.00	
36							0.00	0.00		0.00	
37							0.00	0.00		0.00	
38							0.00	0.00		0.00	
39							0.00	0.00		0.00	
40							0.00	0.00		0.00	
41							0.00	0.00		0.00	
42							0.00	0.00		0.00	
43							0.00	0.00		0.00	
44							0.00	0.00		0.00	
45							0.00	0.00		0.00	
SUBTOTAL					0		768	0		-7,445	13,862

Work performed by Subcontractors own employees (per Contract)		SUBTOTAL	\$	(6,677.49)	
FEE (includes Profit and Overhead) 3.75%			\$	-	
Managing subcontracted work (per Contract)		SUB TOTAL	\$	13,862.00	
FEE (includes Profit and Overhead) 3.75%			\$	-	
		SUB TOTAL	\$	7,184.51	
No	To Be Funded With-In Cost of Work (Yes / No) (If Yes, then 0% Fee, if No, then 3.75% fee)	Bond / GL / Builder's Risk Included?	No	\$	-
TOTAL FOR THIS CHANGE PROPOSAL			\$	7,185	

PROJECT: State Office Bldg Elevators

CHANGE PROPOSAL NO: 244801-0164

QUOTATION :

Item	Labor	Materials	Subs	Total
Beard	\$0.00	\$0.00	\$13,862.00	\$13,862.00
Subcontractor Default Insurance	\$0.00	\$174.00	\$0.00	\$174.00
Asst. Superintendent	\$0.00	\$768.00	\$0.00	\$768.00
Buyout Savings	\$0.00	\$(3,483.00)	\$0.00	\$(3,483.00)
CM Contingency	\$0.00	\$(4,546.00)	\$0.00	\$(4,546.00)
Fee (3.75%)	\$0.00	\$225.24	\$0.00	\$225.00
Bond, General Liability, and Builder's Risk	\$0.00	\$185.00	\$0.00	\$185.00

Totals	\$0.00	\$(6,676.76)	\$13,862.00	\$7,185.00
				Insurance, Tax, Benefits on Labor \$0.00
				Overhead \$0.00
				Fee on Subs \$0.00
				Fee on JTV \$0.00
				Bond \$0.00
				Remodel Tax \$0.00
				TOTAL \$7,185.00

TIME EXTENSION TO CONTRACT: 0 Days

Submitted Date: 3/4/2019

Accepted

VAUGHN CONSTRUCTION

By: _____
Acceptance shall be pursuant to execution of Amendment No. 3 to TFC Contract No. 17-002-000

Date _____

By: _____
 Brian DeVaney

Proposal Valid for 14 Days