

TFC Contract No. 18-104-000
Kleinfelder, Inc.
Assignment No. 3
Project No.: 18-004-8803

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

TFC CONTRACT NO. 18-104-000

ASSIGNMENT NO. 3

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 3 (hereinafter referred to as "Assignment No. 3" 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 Kleinfelder, Inc., located at 1826 Kramer Lane, Suite M, Austin, Texas 78758 (hereinafter referred to as "PSP") (TFC and PSP are hereinafter referred to individually as a "Party" or collectively as "Parties"), to be effective on the Effective Date (as defined below) and the terms and conditions of which are as follows.

DESCRIPTION OF PROJECT: The project for which PSP agrees to provide Professional Services is generally described as providing geotechnical services to the Texas School for the Deaf – Toddler Learning Center and Central Services Center located in Austin, Texas (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-3," PSP's IDIQ Assignment No. 3 Proposal No. AUS18P80625 dated June 29, 2018, attached hereto and incorporated herein for all purposes and consisting of six (6) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 3 shall be completed no later than December 30, 2018, 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. 3.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 3.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 3 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.

FEE FOR BASIC SERVICES: Fee for the services set forth in this Assignment No. 3 shall not exceed the sum of Fourteen Thousand Two Hundred and No/100 Dollars (\$14,200.00). 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

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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. 3, 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-3."

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.

TEXAS FACILITIES COMMISSION

KLEINFELDER, INC.

By: DocuSigned by:
JOHN RAFF
C28F1F24A796477...

By: DocuSigned by:
Kelly Daniel
DF08813A117A5463...

John S. Raff

Kelly Daniel

Interim Executive Director

Senior Project Manager

Date of execution: 08/23/2018 | 2:44 PM CDT

Date of execution: 08/23/2018 | 2:39 PM CDT

NRG G.C.

YMW Dir.

DE D.E.D.

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EXHIBIT A-3

PSP'S IDIQ ASSIGNMENT NO. 3 PROPOSAL DATED JUNE 29, 2018



June 29, 2018
Proposal No. AUS18P80625

Texas Facilities Commission
Facilities Design & Construction
1711 San Jacinto Boulevard
Austin, Texas 78701

Attention: Ms. Lissi Riedel, PMP, CCM, CTCM, LEED AP
Senior Project Manager

**Subject: Geotechnical Investigation Proposal
Texas Facilities Commission – Texas School for the Deaf
Toddler Learning Center and Central Services Center
Austin, Texas**

Dear Ms. Riedel:

We are pleased to submit this proposal for geotechnical services for the proposed Texas Facilities Commission (TFC) Texas School for the Deaf (TSD) Toddler Learning Center and Central Services Center in Austin, Texas. The scope of services and costs summarized in this proposal are based on the Testing Requirements Summary provided by McKinney York Architects dated June 13, 2018.

The purpose of this study will be to assess the geotechnical site conditions and provide geotechnical design parameters for foundation design. The scope of service includes exploring subsurface soil conditions, obtaining physical soil properties by laboratory testing, evaluating site conditions and laboratory testing for use in determining the geotechnical design parameters for design of the foundations.

PROJECT UNDERSTANDING

We understand that Texas Facilities Commission plans to construct a new building consisting of the Toddler Learning Center and Central Services Center. We anticipate the new building will be a two to three story structure with a combined floor area about 28,738 square feet (sq. ft.) amongst all the floors, and associated site improvements. Site improvements will consist of visitor drop off, parking, and landscaping to connect the building to the campus with walkways, plantings, and irrigation. We understand site detention may be required to comply with the City of Austin requirements to satisfy the Texas local government code statute. Additionally, we understand a retaining wall is planned for the site. Details regarding location and size of the detention pond and retaining wall was not available at this time. The anticipated maximum column loads for the proposed building will be about 400 kips.

Based on the available geologic maps and our past experience in the area, we expect that the proposed site will be underlain by the Austin Chalk Formation. This formation typically consists of clays overlying chalky limestone. The thickness of the clay above the limestone is generally shallow but can be quite deep in localized areas. Below the clays, limestone is generally encountered in a weathered condition. Occasionally, zones of severely weathered limestone that are clay-like are present above the weathered limestone. The unweathered primary limestone material is present below the weathered limestone and is generally harder than the overlying weathered limestone and is light to medium gray in color.

SCOPE OF BASIC SERVICES

Utility Clearance

Kleinfelder will stake the borings in the field based. Kleinfelder will record the boring locations with a hand-held global positioning system (GPS) device (horizontal accuracy of approximately 15 feet). We expect that the TFC will provide site layout plan or as-builts prior to the field activities.

We will contact the Texas One Call system for utility locations; however, be aware that the Texas One Call system only locates buried utilities within existing public easement and right-of-ways. TFC is responsible for identifying all private on-site utilities such as irrigation lines and any other underground features. We have included utility locating services to help locate private utilities at the existing site.

Field Exploration

We anticipate performing the following activities:

- Coordinate field activities with Texas Facility Commission personnel.
- Kleinfelder personnel will employ standard personal protective equipment including steel toe boots, hard hat, safety eyewear, and hearing protection.
- Mobilize a truck mounted drill rig to drill 11 borings to depths ranging from 10 to 30 feet. Six borings @ 30 feet for the building and five borings @ 10 feet for the pavements/detention pond. The deeper borings may be terminated at shallower depths if competent bedrock is encountered at shallower depths than expected.
- Sample the subsurface soil continuously to a depth of 10 feet, and then every 5 feet thereafter; samples will be collected using either a tube sampler or a split spoon sampler in conjunction with standard penetration test.
- Core rock with an NX-size core barrel, if applicable.
- Observe for groundwater seepage during drilling and record level.
- Backfill boreholes with cuttings upon completion or after delayed water levels are recorded.

The borings will be logged in the field by a Kleinfelder professional. The Kleinfelder professional will also supervise field access and drilling operations.

Laboratory Testing

Selected laboratory testing will be conducted on representative samples obtained during the field exploration. The tests will be used to classify the soils, identify subsurface site characteristics, and provide data for analysis. These tests include:

- Moisture Content
- Atterberg limits
- Percent passing No. 200 sieve
- Unconfined compressive strength on soil and rock samples
- Unit Weight
- Permeability Test for the detention pond liner

Kleinfelder will retain soil and rock samples for 30 days after completion of laboratory testing. Further storage or transfer of samples can be made at owner expense upon written request.

Engineering Analysis and Report

An engineering analysis and evaluation of the field and laboratory data will be performed for the project, based on available project concepts. The information provided will include geotechnical parameters for use in the structural design of the foundation. Our report will include:

- Plan of borings illustrating the approximate location of each boring and scale to which the drawing is made.
- A log of each boring indicating the boring number, depth of each stratum, soil classification and description, and groundwater information.
- Description of the field exploration and laboratory testing.
- Summary of laboratory test results.
- Discussion of subsurface soil, rock, and groundwater conditions.
- General discussion of the site geology.
- Calculated potential vertical rise (PVR).
- Recommendations for foundation types, depths, and allowable bearing pressures.
- Engineering parameters required for lateral loading analysis for Lpile software.
- Seismic geotechnical criteria per International Building Code (IBC 2015).
- Pavement thickness designs.
- Retaining wall design pressures and coefficients.
- Construction considerations for recommended foundation types.
- Earthwork recommendations.
- One electronic copy of the final report will be provided.

INFORMATION/SERVICES PROVIDED BY TEXAS FACILITIES COMMISSION

We understand that Texas Facilities Commission will:

- Designate in writing a person to act as their representative, with respect to the services rendered in this proposal.
- Locate, identify, and stake subsurface utilities or other structures or items that might be damaged during the field exploration program that are not located as part of the Texas 811 system.
- Obtain rights of entry, permits, easements, permission from landowners or other access permission, or authorization required to perform the services described in this proposal.
- Survey locations of boreholes and provide the information to Kleinfelder if that degree of accuracy is required; otherwise borings locations will be based on approximate measurements taken from existing landmarks.
- Provide current topographic map indicating existing grades and proposed grades.
- Provide cross sections indicating proposed cut/fill.
- Provide loading conditions and tolerances for differential movement.
- Furnish copies of all available information pertinent to the project including previous geotechnical reports and forensic work.

ADDITIONAL SERVICES

The following services are not included in the *Basic Services* and will be considered as *Additional Services*, if and when required or requested:

- The services of specialty subconsultants or other special outside services other than those described in *Basic Services*.
- Corrosion engineering.
- Any costs, including equipment replacement where applicable, associated with decontamination of personnel or equipment as a result of encountering hazardous or toxic materials at the site.
- Bulldozer or other equipment time required to achieve access to the boring locations.
- Additional meetings other than those described in *Basic Services*.
- Additional copies of the report; additional submittals of draft reports other than those described in *Basic Services*; revisions to the report after final submission to Client; revisions to the report required as a result of changed regulations or design.
- Additional or increased insurance coverages (if available) other than those described in the "Terms and Conditions to Agreement".
- Coordination with regulatory agencies other than that described in *Basic Services*.
- Sales or use taxes imposed and due on the professional services described in the *Scope of Services* after the date of this proposal.
- Any other services not specifically included in *Basic Services*.

ESTIMATED FEE

Kleinfelder proposes to perform the *Scope of Basic Services* for a lump sum fee of \$14,200. Invoices will be issued on a periodic basis, or upon completion of the project, whichever is sooner. This amount will not be exceeded without prior approval. Texas Facilities Commission and Kleinfelder may subsequently agree in writing to provide for additional services to be rendered under this agreement for additional, negotiated compensation.

ANTICIPATED SCHEDULE

The field exploration will begin approximately 3 to 5 working days from the time authorization is received and Texas Facilities Commission on-site personnel have marked any underground utilities. Completion of the field exploration will require approximately 2 to 3 working days, but will depend upon weather conditions and site accessibility. The laboratory testing should be completed within 1 week after completion of the field exploration. The report preparation should be completed within about 2 weeks after completion of the laboratory testing.

AUTHORIZATION

These services will be performed in accordance with the existing Indefinite Delivery Indefinite Quantity Professional Services Agreement between Kleinfelder and the Texas Facilities Commission (TFC Contract No. 18-104-000) dated October 31, 2017. Please indicate your approval of the proposal by issuing a task assignment and returning it to our office. A fully executed copy will be returned to you. Any modifications of the attached language must be accepted by both parties, and may result in an increase in scope and compensation. Acceptance of the proposal indicates Texas Facilities Commission's review and understanding of the scope of services, budget and terms.

LIMITATIONS

Kleinfelder offers a range of investigative and engineering services to suit the varying needs of our clients. Although risk can never be eliminated, more detailed and extensive investigations yield more information, which may help the client understand and manage the degree of risk. Since such detailed services involve greater expense, our clients participate in determining the level of service, which provides adequate information for their purposes at an acceptable level of risk. Acceptance of this proposal will indicate that Texas Facilities Commission has reviewed the scope of service and determined that they do not need or want more services than are being proposed at this time. Any exceptions should be noted and may result in a change in fees.

Our work will be performed in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the same locality, under similar conditions and at the date the services are provided. Our conclusions, opinions and recommendations will be based on a limited number of observations and data. It is possible that conditions could vary between or beyond the data evaluated. Kleinfelder makes no guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

This proposal is valid for a period of 45 days from the date of this proposal. This proposal was prepared specifically for the client and its designated representatives and may not be provided to others without Kleinfelder's express permission.

CLOSING

We appreciate the opportunity to provide Texas Facilities Commission our proposal for professional services for this project. We, at Kleinfelder, are very excited about this opportunity and look forward to working with you on this project. If you have any questions regarding this proposal, please do not hesitate to contact us at 512.926.6650.

Best Regards,

KLEINFELDER, INC.
Texas Registered Engineering Firm F-16438


Orlando Bosean, PE
Project Manager


Appa "Ray" Hoare, PE
Senior Project Manager

Reviewed by:

Kelly Daniel, PG
Client Account Manager

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EXHIBIT B-3

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

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

A. Project Manager:	Orlando Boscan, PE Kleinfelder, Inc. 1826 Kramer Ln, Suite M, Austin, TX 78758 512-529-5635 OBoscan@kleinfelder.com
B. Subcontractors:	
Drilling Subcontractor (*Selection has not yet been completed)	1. Rachel Marie Garcia Texas Geo Bore Drilling LLC P.O. Box 6253 Round Rock Tx 78665 512-998-0035 rachelgarcia22@yahoo.com
Drilling Subcontractor (*Selection has not yet been completed)	2. Hamilton McRae, P.E. Austin Geo-Logic 5222 Thunder Creek Rd, Building 2, Austin, TX 78759 512-372-0734 hamilton.mcrae@austingeologic.com
Drilling Subcontractor (*Selection has not yet been completed)	3. Matt Brenna Total Support Services, Inc. 3801 Capital of Texas Hwy. #454 Austin, Texas 78746 (800) 259-7174 mbrenna1@austin.rr.com
Drilling Subcontractor (*Selection has not yet been completed)	4. Doc Barron Penhall Company 4201 Felter Lane Austin, TX 78744 (512) 489-3359 dbarron@penhall.com