

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
LCCX, LLC DBA LACKEY DE CARVAJAL CX**

TFC CONTRACT NO. 18-108-000

ASSIGNMENT NO. 4

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 4 (hereinafter referred to as "Assignment No. 4" 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 LCCX, LLC dba Lackey de Carvajal Cx located at 8304 Puerta Vista, Austin, Texas 78759 (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 testing, adjusting and balancing ("TAB") for mechanical and roofing replacement as the El Paso State Office Building located at 401 East Franklin Avenue, El Paso, Texas 79901. Services shall include, but are not limited to: (i) development and delivery to TFC of a TAB plan, TAB schedule and TAB data forms; (ii) coordination with Construction Manager-at-Risk, J. T. Vaughn Construction, LLC, regarding TAB services on new HVAC and related equipment; (iii) development and closing action items related to the TAB report; and (iv) issuance of a Final Report and provision of one (1) alternate season return visit (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-4," PSP's IDIQ Assignment No. 4 Proposal revised dated September 26, 2018, attached hereto and incorporated herein for all purposes and consisting of seven (7) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 4 shall be completed no later than June 30, 2019, 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. 4.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 4.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 4 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. 4 shall not exceed the sum of Twelve Thousand Nine Hundred Ninety and No/100 Dollars (\$12,990.00). 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. 4, 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-4."

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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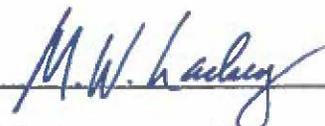
ENTIRE AGREEMENT AND MODIFICATION: The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may 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

LACKEY DE CARVAJAL CX

By: 

By: 

Print Name: MIKE NOVAK

Mike W. Lackey

Executive Director

Managing Member

Date of execution: 11-13-18

Date of execution: 11/12/18

NEG G.C.

MW Dir.

M D.E.D.

TFC Contract No. 18-108-000
LCCX, LLC dba Lackey de Carvajal Cx
Assignment No. 4
Project No. 16-032-8415

EXHIBIT A-4

PSP'S IDIQ ASSIGNMENT NO. 4 PROPOSAL REVISED DATE SEPTEMBER 26, 2018

TFC Contract No. 18-108-000
Assignment No. 4
Exhibit A-4
Project No. 16-032-8415



Building Commissioning, TAB & Energy Engineering

September 3, 2018
Revised September 26, 2018

Mr. Jim Overton
Project Manager
Texas Facilities Commission
Facilities Design and Construction
1711 San Jacinto
Austin, TX 78712

RE: Proposal LCTAB 18.084R1
Professional Engineering Services – HVAC Test Adjust Balance
TFC El Paso Office Building
TFC Project Number: 16-032-8415

Dear Mr. Overton:

Thank you for the opportunity for Lackey de Carvajal Cx (hereinafter called LCCx, LLC) to furnish our proposal to provide Professional TAB Engineering Services to TFC Facilities Design and Construction (Hereinafter called CLIENT) for the above referenced project (hereinafter called PROJECT). This Proposal Letter outlines our Fee proposal subject to a formal agreement.

PROJECT SCOPE

Provide Professional TAB Services, for the PROJECT. Coordinate all TAB work with the Project Manager.

GENERAL ASSUMPTIONS:

1. During the construction phase; the TAB Project Manager and/or the TAB Field Manager/Technician will attend the construction progress meetings.
2. Owner shall provide all stamped, sealed Construction Documents
3. General Contractor will provide submittals, cut-sheets, start-up procedures, and manufacturing data for all Contractor furnished equipment
4. Coordinate all work through TFC AE and CMAR

PROJECT SCHEDULE

The following project schedule is our understanding of how the project will proceed:

<u>DATES</u>	<u>Start Date</u>
Construction Phase	ongoing
Field TAB	Nov 2018 thru May 2019
Final Report Completed	May 2019

Physical Address:
8304 Puerta Vista, 78759

Mailing Address:
PO Box 30191
Austin, TX 78755



Building Commissioning, TAB & Energy Engineering

TAB SCOPE OF WORK AND SERVICES

LCTAB will serve as the TAB Agent to coordinate and provide "AABC" TAB Services on the Client's behalf for the PROJECT. Our TAB tasks will include:

- Develop and submit TAB Plan and schedule; revise as necessary
- Develop TAB data forms, for HVAC equipment and systems-
- Prepare a Preliminary and Final TAB Report for review by Design Engineer.
- Make one Alternate Season return visit

CLARIFICATIONS AND QUALIFICATIONS:

- We include coordination of TAB with PM.
- We include one TAB verification site visit.
- All work to take place during normal business hours (M-F, 7:30-4:00)
- Clean filters to be in place before test and balance is performed

EXCLUSIONS: We Exclude:

- New sheaves, belts
- Sound and Vibration Testing
- Duct leakage testing

COMPENSATION

Based on the above scope of work for the basic services for the project, as well as the description of the project, we propose a lump sum fee to be billed as follows:

Phase:	Fees:
As per attached Schedule of Values Appendix 1	\$ 12, 990.00
TOTAL TAB SERVICES	\$ 12,990.00

TERMS AND CONDITIONS

All Terms and Conditions shall be as per Indefinite Delivery Indefinite Quantity Agreement (IDIQ) TFC Contract 18-108-000 for Heating, Ventilation, Air Conditioning and Test and Balance Services

I trust that the above meets with your approval. We look forward to working with you on this project and request that you indicate your approval of this letter of agreement.

Very truly yours,

Michael W Lackey, PE
Manager LCTAB
LCTAB, LLC dba Lackey de Carvajal Cx
Physical Address:
8304 Puerta Vista, 78759

Mailing Address:
PO Box 30191
Austin, TX 78755

TFC Contract No. 18-108-000
Assignment No. 4
Exhibit A-4
Project No. 16-032-8415



Building Commissioning, TAB & Energy Engineering

ATTACHMENT 1: SCOPE OF WORK AND QUALIFICATIONS

LACKEY de
CARVAJAL

Physical Address:
8304 Puerta Vista, 78759

Mailing Address:
PO Box 30191
Austin, TX 78755

Lackey de Carvajal TABIECC2015 C408 REQUIRED TAB - PROPOSED TAB SCOPE OF WORK
(Based on IECC2015, ASHRAE90.1-2013 and ASHRAE Std 111-2008)

Contract#:

Task Order#/Assignment#:

LCTAB Project No: 18.084R1

Bid Date: 9/26/2018

CLIENT: TFC
Project Name: TFC El Paso State Ofc Bldg
Project Loc: 401 E Franklin Ave, El Paso, TX 79901
Client Project No: 16-032-8415
Client Proj Mgr: Jim Overton
Client Address: 1711 San Jacinto, Austin TX
Descrip Of Task Order TAB
Contract Type: Lump Cost

TASK ID.	PROJECT DURATION, MO.	9.0	FEE BREAKDOWN
1 Requirements ASHRAE Std 111 TAB Process	Initiate TAB Process	#Meetings	BY TASK
	PROJECT ADMINISTRATION	9.0	
	DESIGN PHASE MEETINGS	0.0	
	CONDUCT TAB Kick-Off MEET	1.0	
	TAB COORD MEETINGS	1.0	
	CONSTR MEETINGS	1.0	
PROJECT ADMINISTRATION SUBTOTAL			\$ 3,105.00
2	Prepare TAB Qualification Submittal	NO	
3	Prepare a TAB Plan and Schedule.	YES	
4	Review TAB Specification	YES	
5	TAB Design Review of Construction Documents	YES	
	100% CD BACKCHECK	YES	
6	Review GC Submittals for Field Documentation	YES	
7	Prepare TAB Field Reporting Documentation	YES	
PRE CONSTRUCTION PHASE SUBTOTAL			\$ 2,440.00
CONSTRUCTON PHASE - Field TAB Activities			

8.1	Conduct Site Observations prior to Start-up	YES	
	Prepare TAB Deficiency List from Site Visit		
8.2	PRE-TAB AUDIT	NO	
8.3	Perform Test Adjusting and Balancing		
	Air Side Equipment		
	Evaporative Condenser	YES	
	VAV's	NO	
	Fan Coils Units	NO	
	Exhaust Fans	NO	
	Hydronic Side Equipment	YES	
	Chillers	NO	
	Pumps	YES	
	Boilers	YES	
8.4	Maintain TAB Deficiencies Log	YES	
9.1	Draft Preliminary TAB Report for Review	YES	
9.2	Issue Final TAB Report	YES	
CONSTRUCTION PHASE SUBTOTAL			\$ 5,945.00

POST OCCUPANCY PHASE			
10	Return For Alternate Season /Warranty Review, if required	YES	\$ 500.00
POST OCCUPANCY PHASE SUBTOTAL			\$ 500.00

BASE FEE	\$ 11,990.00
EXPENSES, Printing, etc	\$ 1,000.00
SUB-CONTRACTS, If Any	\$ 0.00
TOTAL FEE - BASE TAB SOW	\$ 12,990.00

VOLUNTARY ADD ALTERNATES			\$ -
11	Duct Leakage Test	NO	\$ -
12	Sound Testing	NO	
13	Vibration Testing	NO	\$ -
14	Sheave Changes	NO	\$ -
15	Fire and Smoke Damper Inspections	NO	\$ -
16	Stairwell Pressurization Testing	NO	

17	Laboratory Hood Testing	NO		
18	Other	NO	\$	-
TOTAL ADD ALTERNATES			\$	-
TOTAL FEE - BASE Cx SOW AND ADD ALTERNATES			\$	12,990.00

QUALIFICATIONS:

SYSTEMS TO BE Tested, Adjusted and Balanced

HVAC Systems:

All Major Mechanical equipment as defined by Equip Tag No.

EC-1 and B-1&2 only

BM5 controls - Prelim Checkout

CLARIFICATIONS:

We include coordination of TAB with PM.

We include one TAB verification site visit.

All work to take place during normal business hours (M-F, 7:30-4:00)

Clean filters to be in place before test and balance is performed

Acknowledge 5 mo construction schedule

EXCLUSIONS:

90 day and Alternate Season return visits

New sheaves, belts

Sound and Vibration Testing

DALT Duct leakage testing

QUALIFICATIONS:

Controls contractor will be available at all times during Tab Operation

We relied on the following documents for pricing

Mechanical Plans

TAB Spec

**LCCx, LLC
LCTAB, LLC**

Fiscal Year 2018-2018, Effective October 1, 2018

TITLE	APPROVED RATES
Firm Principal	\$198.00
Commissioning PM	\$168.00
Commissioning Engineer	\$160.00
Commissioning Tech	\$147.40
Commissioning Assistant	\$99.00
Commissioning Clerical	\$69.28
TAB PM	\$148.00
TAB Engineer	\$147.40
TAB Tech	\$133.00
TAB Assistant	\$99.00
TAB Clerical	\$69.28
Enclosure Commissioning PM	\$148.00
Enclosure Commissioning Architect	\$139.00
Enclosure Commissioning Tech	\$133.00
Enclosure Commissioning Assistant	\$73.00
Enclosure Commissioning Clerical	\$69.28
Architectural Construction Inspector (CI) II	\$117.92
Architectural Construction Inspector (CI)	\$73.70
Electrical CI	\$90.74
Electrical Commissioning or CI	\$136.00
Mechanical (HVAC and Plumbing) CI	\$90.74
Mechanical (HVAC and Plumbing) Commissioning or CI	\$136.00
Senior CI	\$136.00
Specialty CI	\$136.00
Structural Steel and Concrete CI	\$150.35
Civil (horizontal and Utilities) CI	\$100.23
CI Assistant	\$82.54
Project Coordinator	\$82.50
Clerical/Administrative, Sr	\$73.50
Clerical/Administrative	\$69.28

TFC Contract No. 18-108-000
LCCX, LLC dba Lackey de Carvajal Cx
Assignment No. 4
Project No. 16-032-8415

EXHIBIT B-4

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

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

A. Project Manager:	Chris Thompson, P.E. (Name) LCCx, LLC (Company Name) PO Box 30191, Austin TX 78759 (Address) 512-560-3456 (Cell #) chris.thompson@lccx.com
B. TA&B-Commissioning Agent:	Marisa Bernal (Name) LCTAB, LLC (Company Name) PO Box 830405, San Antonio TX 78283 (Address) 210- 265-5583 (Office#) LCTAB@lccx.com (Email)
	(Name)
	(Name)