

TFC Contract No. 18-163-000
Amendment No. 1
McKinney York Architects
Project No. 18-004-8803
RFQ No. 303-8-00473

**AMENDMENT NO. 1
TO THE
PROFESSIONAL ARCHITECTURAL/ENGINEERING SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
MCKINNEY ARCHITECTS, INC., D.B.A. MCKINNEY YORK ARCHITECTS**

THIS AMENDMENT NO. 1 is entered into by and between the Texas Facilities Commission, a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as “TFC”), as Owner (as defined in *2015 Uniform General Conditions*, Section 1.28) and McKinney Architects, Inc., d/b/a McKinney York Architects, located at 1301 East 7th Street, Austin, Texas 78702 (hereinafter referred to as “A/E”) (collectively referred to as the “Parties”), to amend the Agreement for professional architectural and engineering services dated May 22, 2018 (hereinafter referred to as the “Agreement”).

WHEREAS, on May 22, 2018, the Parties entered into that one certain *Professional Architectural/Engineering Services Agreement, TFC Contract No. 18-163-000*; and

WHEREAS, the Parties desire to amend the Agreement to include the Additional Services and Fees necessary to provide design development services requested by the Texas School for the Deaf (hereinafter referred to as “TSD”) Toddler Learning Center and Central Services Center, to extend the Duration of the Agreement, to modify certain provisions of ARTICLE X, Insurance, and to include additional provisions, terms and conditions adopted subsequent to the execution of the Agreement in order to reflect changes required by the Texas Legislature, or to comply with requirements of the State Auditor’s Office, or the Comptroller of Public Accounts;

NOW, THEREFORE, the Parties 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 I – DEFINITIONS, by adding the following definition:

“HUB Compliance Reporting System means the Texas Facilities Commission Historically Underutilized Business (“HUB”) online reporting system located at <https://tfc.gob2g.com>. The HUB Compliance Reporting System is used to maintain business records documenting compliance with the HUB Subcontracting Plan (“HSP”) by submission of monthly Progress Assessment Reports. See Section 11.2, Historically Underutilized Businesses (“HUBs”).”

3. The Parties agree to modify ARTICLE II – SCOPE OF SERVICES, Section 2.1, Scope of Services, to include certain additional design development services requested by TSD as more particularly described in A/E’s Supplemental Proposal for Additional Services, revised date July 2, 2019, attached hereto and incorporated herein for all purposes as “Exhibit G-1.”

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4. The Parties agree to modify ARTICLE III – TERM AND TERMINATION, Section 3.1, Duration, by deleting Section 3.1 in its entirety, and replacing it with the following:

“3.1. Duration. This Agreement shall be effective as of the Effective Date and shall terminate on August 15, 2022, unless extended by the Parties by amendment to this Agreement or terminated earlier, as provided below.”

5. 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 fees in the amount of Fifty-Two Thousand Five Hundred and No/100 Dollars (\$52,500.00), thus increasing the total amount of the Agreement from One Million Five Hundred Twenty-Six Thousand Fifty-Five and No/100 Dollars (\$1,526,055.00) to a total not to exceed amount of One Million Five Hundred Seventy-Eight Thousand Five Hundred Fifty-Five and No/100 Dollars (\$1,578,555.00). Thus, Subsection 4.1.1, shall read in its entirety as follows:

“4.1.1. Fixed Fee. In exchange for the proper performance and timely delivery of the Professional Services as specified by this Agreement, A/E shall be paid a fixed fee of One Million Five Hundred Seventy-Eight Thousand Five Hundred Fifty-Five and No/100 Dollars (\$1,578,555.00). Any Professional Services performed or delivered by A/E prior to the Effective Date of this Agreement or after its termination cannot be compensated.”

6. The Parties agree to modify ARTICLE VI – WARRANTIES AND REPRESENTATIONS BY A/E, Section 6.1, Warranties and Representations by A/E, by deleting Subsection 6.1.15, Prohibition Against Boycotting Israel, and replacing it with Subsection 6.1.15, as follows:

“6.1.15. Entities that Boycott Israel. Pursuant to Section 2270.002 of the Texas Government Code, A/E certifies that either (i) it meets an exemption criteria under Section 2270.002; or (ii) it does not boycott Israel and will not boycott Israel during the term of this Agreement. A/E shall state any facts that make it exempts from the boycott certification.”

7. The Parties agree to modify ARTICLE X – INSURANCE, Subsection 10.2.1, Workers’ Compensation and Employer’s Liability Insurance, by deleting Paragraph 10.2.1.1 in its entirety, and replacing it with Paragraph 10.2.1.1 as follows:

“10.1.1.1. Pursuant to Texas Labor Code §406.096 (b), A/E shall require each Subcontractor to certify in writing to A/E that said Subcontractor provides workers’ compensation and employers’ liability insurance for all of Subcontractor’s employees employed on this public project. TFC is entitled, upon request and without expense, to receive copies of Subcontractor’s written certifications.”

8. The Parties agree to modify ARTICLE X – INSURANCE, Subsection 10.3.3, Additional Policy Requirements, by deleting Paragraph 10.3.3.2 in its entirety, and replacing it with Paragraph 10.3.3.2 as follows:

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“10.3.3.2. The policy, or such other document(s) as may be acceptable to TFC, must obligate the insurer, or a third-party acceptable to TFC, to notify the Texas Facilities Commission, Attention: Insurance Specialist, P.O. Box 13047, Austin, Texas 78711, of any (i) non-renewal; (ii) cancellation; or (iii) material changes, in writing, as soon as is reasonably possible prior to any such non-renewal, cancellation or change.”

9. The Parties agree to modify ARTICLE XI – MISCELLANEOUS PROVISIONS, Section 11.2, Historically Underutilized Businesses (“HUBs”), by adding Subsection 11.2.1, as follows:

“11.2.1. Requirement to Utilize HUB Compliance Reporting System. Pursuant to Texas Administrative Code, Title 34 §§ 20.85(f)(1)(2) and 20.287(b), TFC administers monthly HUB Subcontracting Plan (“HSP”) to include the Progressive Assessment Report (“PAR”) compliance monitoring through a HUB Compliance Reporting System known as B2G. A/E and A/E’s Subcontractors must submit required PAR information into the B2G system as a condition of payment. Any delay in the timely submission of PAR information into the B2G system will be treated as a deficiency and the payment request will be subject to suspension until such deficiency has been resolved.”

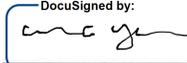
10. All other terms and conditions of the Agreement not expressly amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment No. 03 to be effective as of the date of the last party to sign.

TEXAS FACILITIES COMMISSION

**MCKINNEY ARCHITECTS, INC., d/b/a
MCKINNEY YORK ARCHITECTS**

By: 
B1C9FC0A8020417...

By: 
DC2DBE4FB18D4E5...

Mike Novak

Charles A. York

Executive Director

Principal

Date of Execution: 08/27/2019 | 6:01 AM CDT

Date of Execution: 08/26/2019 | 8:27 PM CDT

GC NRW

DIR ymh

DED [Signature]

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MCKINNEY YORK ARCHITECTS

EXHIBIT G-1



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Project No. 18-004-8803

June 21, 2019 Draft
July 2, 2019 Revised

Mr. Daniel Yen, MBA, PMP, CTCM, RID, LEED AP
Project Manager
Texas Facilities Commission
Facilities Design & Construction
1711 San Jacinto Blvd.
Austin, TX 78701
Office (512) 463-5554
Daniel.yen@tfc.state.tx.us

**RE: Proposal for Professional Services
PROJECT NO. 18-004-8803
Texas School for the Deaf
Toddler Learning Center and Central Services Center
Additional Services #3**

Dear Mr. Yen:

McKinney York Architects (MYA) is pleased to provide this proposal for additional services for Professional Services for the Texas Facilities Commission (TFC) Texas School for the Deaf (TSD) Toddler Learning Center and Central Services Center (the PROJECT).

Scope of Work

Item #1: ReProgramming and ReDesign for Early Childhood Education (ECE)

After completion of 100% Design Development, MYA was notified by TSD that the Early Childhood Education (ECE) component may need to be incorporated into the "Toddler Learning Center" of the new building and the HR Department deleted from the "Central Services Center" of the new building. Redesign efforts for this change in program were reviewed by TFC and MYA during the period from 04.22.19 to 06.03.19. Tasks included reprogramming to determine the requirements for the ECE component, creating pros and cons list to determine impacts to the project budget and schedule, and sketching of floor plan options for consideration by TFC/TSD. On 06.04.19, MYA met with TSD and TFC to review the redesign options and TFC/TSD elected to pursue ECE Option A dated 06.04.19 (see attached) which included 10 classrooms in lieu of the HR Department on the ground floor of the new building.

MYA proposes to add a "ReDesign Phase" to the scope of services to repeat Schematic Design and Design Development based on this new program developed in conjunction with TFC/TSD. The following consultants will provide design and engineering services to participate in the "ReDesign Phase" and the 100% Design Development package will be resubmitted with all disciplines revised: Garza EMC Engineers Inc, TG+W Engineers Inc, Studio Balcones, Structures, and Datacom Design Group.

Item #2: Reimbursables for ReProgramming and ReDesign

Additional reimbursables are needed for repeat phases printing and copies including client presentations and submittals for design review milestones.

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Schedule of Compensation

Additional Services:

Item #1: Additional services shall be a stipulated sum of \$171,750.

ReProgramming Phase: \$9,950

ReDesign Phase: \$161,800

Item #2: Additional reimbursables shall be a stipulated sum of \$6,750.

Total Additional Services	\$178,500
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Funds Available in Owner Specific Requests TLC/CSC: \$109,000

Funds Available in Pre-Design Services: \$17,000

Net Additional Services Request	\$52,500
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Schedule for Completion of Services

Reprogramming efforts based on the TSD requested change to the project were performed by MYA at the request of TFC during the period from 04.22.19 to 06.03.19. MYA proposes to add a "ReDesign Phase" to the scope of services to repeat Schematic Design and Design Development.

ReProgramming Phase	45 days	04/22/2019	05/31/2019
ReDesign Phase	60 days	06/03/2019	08/09/2019
Interim Meeting			06/2019
Resubmit 100% DD Revision			08/09/2019
Owner Review Period		08/12/2019	08/23/2019

We will perform the scope of work included in this proposal in accordance with the revised project schedule dated 06.05.19 attached to this proposal.

Please feel free to call if you have any questions.

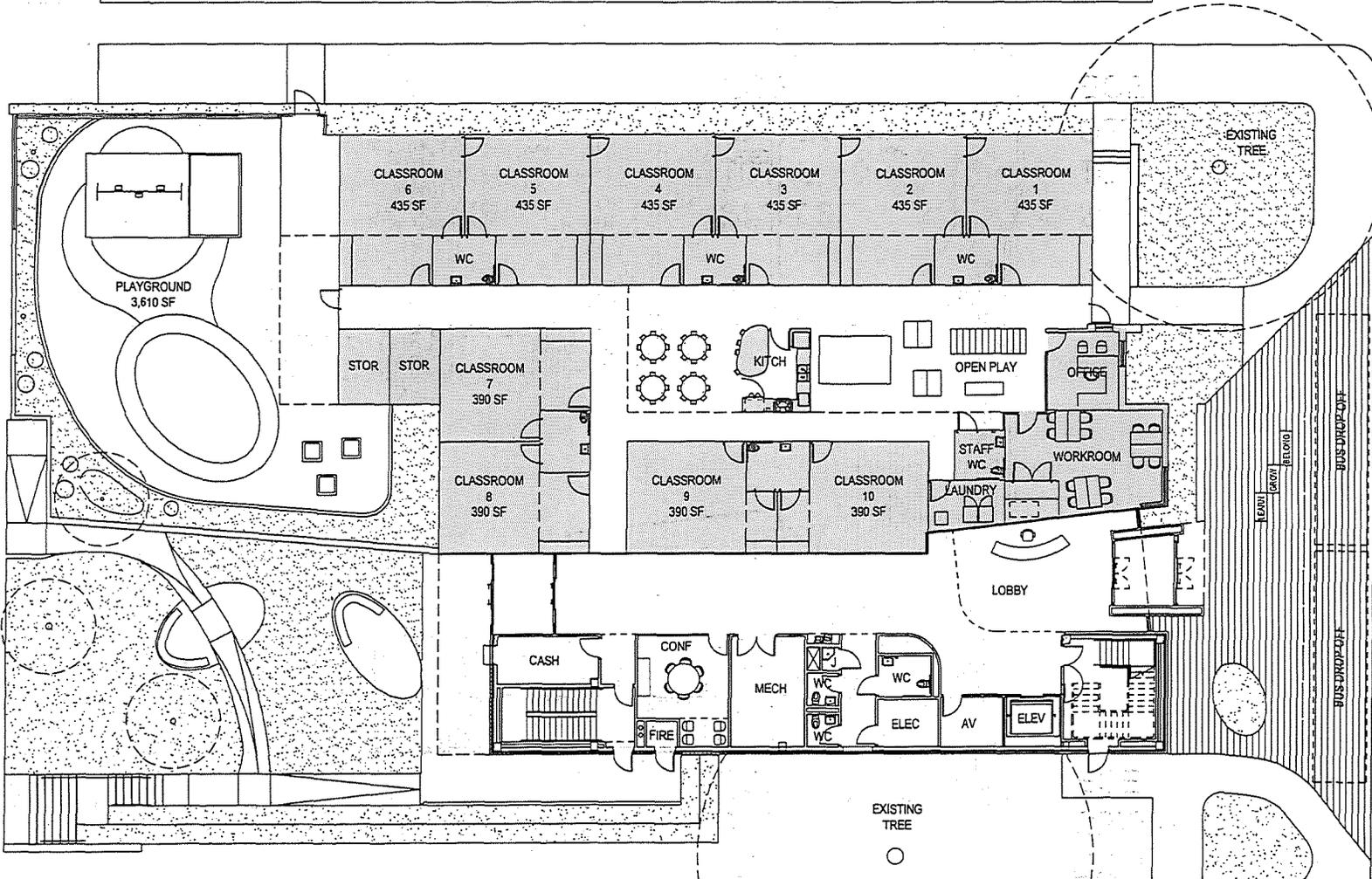
Respectfully submitted,



Michelle Rossomando, AIA
 Principal

Attachments: ECE Redesign Option A dated 06.04.19
 TFC TSD Project Schedule dated 06.05.19
 Garza EMC Engineers Inc Proposal dated 06.07.19
 TG+W Engineers Inc Proposal dated 06.07.19
 Studio Balcones Proposal dated 06.11.19
 Structures Proposal dated 06.07.19
 Datacom Design Group Proposal dated 06.10.19

ELEMENTARY SCHOOL



ECE
OPTION A
TOTAL
24,327 SF

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Amendment No. 1 - Exhibit G-1

ECE
OPTION A
LVL 1
11,509 SF



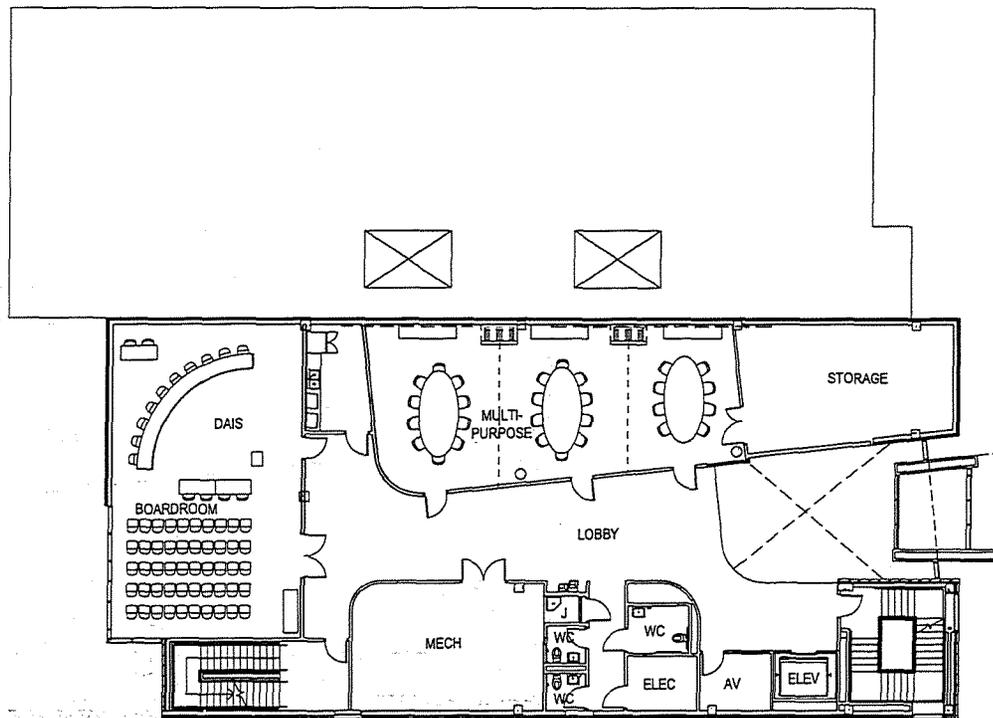
1301 east seventh street
austin, texas 78702
ph 512 476 0201
fx 512 476 0216
www.mckinneyyork.com

TEXAS SCHOOL FOR THE DEAF
CENTRAL SERVICES CENTER AND TODDLER LEARNING CENTER

Michello Rossomando
Texas Registration #18005
These documents are incomplete
and may not be used for regulatory
approval, permit, or construction.

Date: 5/20/19
Scale: As Indicated
Project Number: 18-004-8803

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ECE
OPTION A
LVL 2
6,446 SF



1301 east seventh street
austin, texas 78702
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fx 512 476 0216
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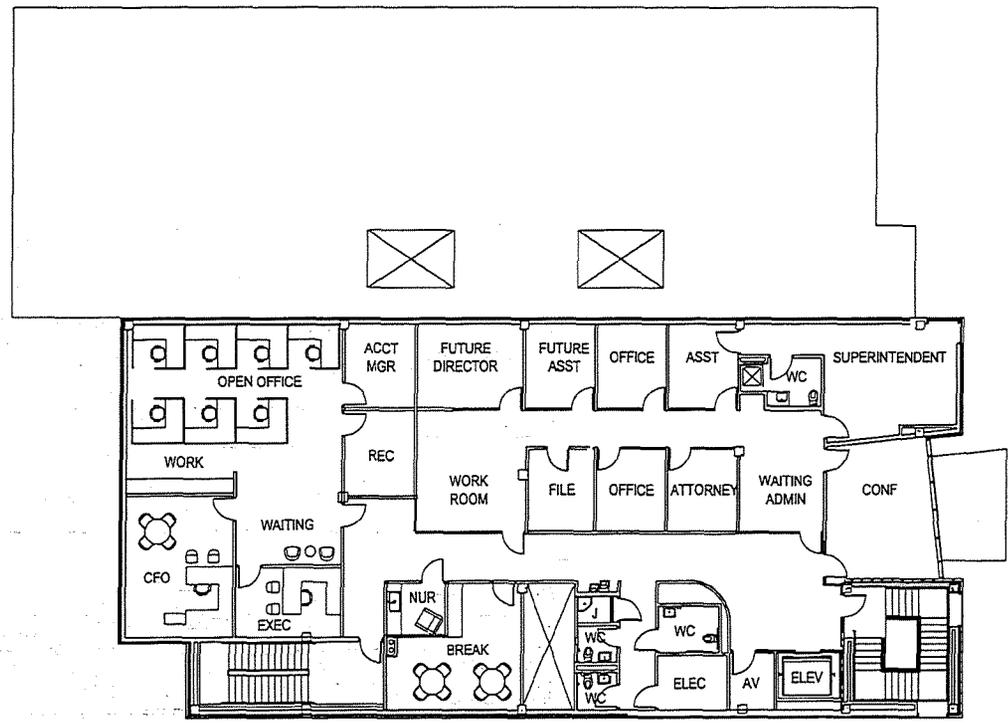
TEXAS SCHOOL FOR THE DEAF
CENTRAL SERVICES CENTER AND TODDLER LEARNING CENTER

Michelle Rossomando
Texas Registration # 18005
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Date: 5/20/19
Scale: As Indicated
Project Number: 18-004-8803

Amendment No. 1 - Exhibit G-1

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Project No. 18-004-8803



ECE
OPTION A
LVL 3
6,372 SF



1301 east seventh street
austin, texas 78702
ph 512 476 0201
fx 512 476 0216
www.mckinneyyork.com

TEXAS SCHOOL FOR THE DEAF
CENTRAL SERVICES CENTER AND TODDLER LEARNING CENTER

Michelle Rossamando
Texas Registration #18005
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Date: 5/20/19
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PROJECT #18-004-8803
 Texas School for the Deaf
 Toddler Learning Center and Central Services Center

Professional Services Schedule
 06.05.19

Phase	Duration	Start	End
Programming	75 days	6/13/2018	08/24/2018
Initial Draft Report			07/20/2018
95% Program Report			08/17/2018
100% Program Report			09/07/2018
Site Investigation Package #1			09/07/2018
Owner Review Period		09/10/2018	09/21/2018
Schematic Design	75 days	09/14/2018	12/14/2018
100% Schematic Design			12/12/2018
Owner Review Period		12/16/2018	01/11/2019
Design Development	75 days	01/14/2019	03/27/2019
50% Design Development			02/22/2019
100% Design Development			03/27/2019
Owner Review Period		04/01/2019	04/19/2019
ReProgramming Phase	45 days	04/22/2019	05/31/2019
ReDesign Phase	60 days	06/03/2019	08/09/2019
Interim Meeting			06/2019
Resubmit 100% DD Revision			08/09/2019
Owner Review Period		08/12/2019	08/23/2019
Construction Documents	150 days	08/26/2019	01/17/2020
Interim CD Meeting			10/2019
90% Construction Documents			11/22/2019
Owner Review Period		11/25/2019	12/13/2019
100% Construction Documents			01/17/2020
Owner Review Period		01/20/2020	01/31/2020
Bidding/ Negotiation	60 days	02/2020	03/2020
Construction Administration	420 days	04/2020	05/2021*
Punch List	60 days	06/2021	07/2021**
Owner Occupancy	30 days	08/2021	08/2021

*Proposed Substantial Completion Date

**Proposed Final Completion Date

Note: All durations are in calendar days and are exclusive of Owner reviews.



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PROJECT #18-004-8803
Texas School for the Deaf
Toddler Learning Center and Central Services Center

Exhibit C

List of AE Project Manager and Subcontractors
03.12.18

McKinney York Architects personnel to be utilized for Project:

Principal-in-Charge: Al York, FAIA
1301 East 7th Street, Austin TX 78702
512.852.0251
ayork@mckinneyyork.com

Project Manager: Michelle Rossomando, AIA
1301 East 7th Street, Austin TX 78702
512.852.0256
mross@mckinneyyork.com

Project Architect: Aaron Taylor, AIA
1301 East 7th Street, Austin TX 78702
512.852.0271
ataylor@mckinneyyork.com

Quality Control Architect: Richard Wilson, AIA
1301 East 7th Street, Austin TX 78702
512.852.0275
rwilson@mckinneyyork.com

Sub-Consultants to be utilized for Project:

Garza EMC Engineering – Civil Engineering (HUB):
John Pelham, P.E.
7708 Rialto Blvd #125, Austin, TX 78735
512.298.3284
jpelham@garzaemc.com

Studio Balcones – Landscape Architecture (HUB):
Ilse Frank, PLA, ASLA, Assoc AIA
702 San Antonio Street, Austin TX 78701
512.383.8815 x 101
ilse@studiobalcones.com

TG&W Engineers Inc – Mechanical, Electrical, Plumbing, FA/FS Engineers (HUB):
Cameron Labunski, P.E.
3701 Executive Center Drive, Ste 257
Austin, TX 78731
512.345.1099
cameronl@tgwengineers.com

Structures – Structural Engineers (HUB):
Dante Angelini, P.E.
6926 North Lamar Blvd, Austin, TX 78752



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512.499.0919
danle@structureslx.com

Datacom Design Group – IT, AV, Security Consultants (HUB):
John Rob Hicks, RCDD
7600 Burnet Road, Austin TX 78757
512.478.6001
jhicks@datacomdesign.com

AG | CM Inc – Cost Consulting (HUB):
Lorenzo Martinez Jr. CPE
1101 Ocean Drive Corpus Christi, TX 78403
361.882.0469 x 306
lmartinez@agcm.com

IHS Design Studio – Registered Accessibility Specialist (HUB):
Leslie Marrero, RAS, APA/ADA Specialist
3005 S. Lamar Blvd, Austin TX 78704
512.589.5844
lesmarrero@gmail.com