

TFC Contract No. 18-101-000
Raba Kistner Consultants, Inc.
Assignment No. 4
Project No. 18-009-8455

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

TFC CONTRACT NO. 18-101-000

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 Raba Kistner Consultants, Inc., located at 8100 Cameron Road, Suite B-150, Austin, Texas 78754 (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 construction materials testing services for the G. J. Sutton Complex demolition located at 321 Center Street, San Antonio, Texas 78202 (hereinafter referred to as the “Project”), as further depicted in “Exhibit A-4,” PSP’s IDIQ Assignment No. 4 Proposal dated April 29, 2019, attached hereto and incorporated herein for all purposes and consisting of three (3) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 4 shall be completed no later than May 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. 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 Fifteen Thousand Nine Hundred Seventy-One and 50/100 Dollars (\$15,971.50). 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

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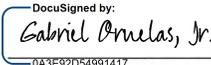
ENTIRE AGREEMENT AND MODIFICATION: The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may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

RABA KISTNER CONSULTANTS, INC.

By:  _____
BTC9FC0A8020417...

By:  _____
0A3E92D54991417...

Mike Novak

Gabriel Ornelas, Jr.

Executive Director

Senior Vice President

Date of execution: 06/10/2019 | 1:35 PM CDT

Date of execution: 06/10/2019 | 11:20 AM CDT

NRG GC

smk Dir

DE DED

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EXHIBIT A-4

PSP'S IDIQ ASSIGNMENT NO. 4 PROPOSAL DATED APRIL 29, 2019

TFC Contract No. 18-101-00

Exhibit A-4

Assignment No. 4

Proposal No. PSD19-046-00
April 29, 2019



12821 W. Golden Lane
San Antonio, TX 78249
P.O. Box 690287
San Antonio, TX 78269-0287
www.rkci.com

Ms. Dorothy Spearman
Facilities Design & Constructor
Texas Facilities Commission
1711 San Jacinto Blvd.
San Antonio, Texas 78701

P 210.699.9090
F 210.699.6426
TBPE Firm F-3257

**RE: Construction Materials Observation and Testing Services
G.J. Sutton Building Demolition & Foundation Backfill
San Antonio, Texas**

Dear Ms. Spearman:

Raba Kistner Consultants, Inc. (RKCI) is pleased to submit this proposal to provide Construction Materials Observation and Testing Services for the above referenced project.

Our opinion of probable cost of services for this project is **\$15,971.50**.

Our proposed scope of services and estimated item quantities are based upon our interpretation of the project plans and specifications, and are without the aid of the general contractor's schedule. The scope and quantity of services provided will be dependent upon services actually required by you or your representatives. Charges will be assessed only for actual services rendered. All services authorized are requested by you or your representatives in excess of the quantities of observation and testing services shown herein will be charged at the appropriate unit rate for such services. Charges will be invoiced on a monthly basis and will show a computerized composite total of services rendered for each service category.

Invoices will be submitted monthly for work in progress in our standard format. All parties hereby agree that this contract upon acceptance will be performable in Bexar County, Texas.

We appreciate the opportunity of submitting this proposal and look forward to working with you in the development of this project, which will be carried out in accordance with this letter and the following attachments:

<u>Attachment</u>	<u>Description</u>
I	Schedule of Fees

Please return one signed copy of this letter contract to provide written authorization for our firm to complete work on the services outlined herein. Our invoices are due and payable upon receipt at P.O. Box 971037, Dallas, Texas 75397-1037.

Very truly yours,

RABA KISTNER CONSULTANTS, INC.

Preston S. Parker, P.E., PMP
Vice President

PSP/dgp

Attachments

Copies submitted: Above (1)

ACCEPTANCE OF THIS PROPOSAL SHALL BE BY EXECUTION OF ASSIGNMENT NO. 4 UNDER TFC IDIQ CONTRACT NO. 18-101-000

Accepted By _____ (Signature)
 _____ (Typed or Printed Name)
 _____ (Title)
 Date _____

Proposal No. PSD19-046-00
April 29, 2019

ATTACHMENT I

**Proposed Materials and Observation Services for
G.J. Sutton Building Demolition & Foundation Backfill
San Antonio, Texas**

General

1. We understand that Texas Facilities Commission will require the services of experienced engineering technicians as scheduled by you or your representatives. Client will incur a 3-hour minimum charge per each site visit. We request twenty-four (24) hour notification to properly schedule our work.
2. Service charges are based on the hourly rates stated herein and will be assessed from the time the Engineer or Technician leaves our office until he returns from the project.
3. Travel shall be in compliance with TFC contract 4.3.
4. Our total cost estimate of services is based upon the assumption that this project will require a technician on site during normal work hours as well as during early morning concrete placements. We have assumed an average of 15 to 20 hours of overtime per week. Services requested during days and/or outside of normal work hours will be assessed a 1.3 overtime factor. Normal work hours are defined as Monday through Friday, 7:00 a.m. to 5:00 p.m. Overtime rates will be assessed after eight (8) hours of work per day and/or when working outside of normal hours.
5. **RKCI** will utilize the on-site initial field curing facilities provided by the contractor. The cost of providing and maintaining these initial curing facilities is not included in our proposal.

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Exhibit A-4

Assignment No. 4

Proposal No. PSD19-046-00
 April 29, 2019

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<u>Service</u>	<u>Unit Rate</u>	<u>Quantity</u>	<u>Total</u>
<u>Soils:</u>			
1. Moisture-Density Relationship (Proctor).....	\$ 350.00/ea	8	\$ 2,800.00
2. In-Place Nuclear Densities	12.00/ea	105	1,260.00
3. Material Technician	57.00/hr	115	6,555.00
Material Technician (O/T).....	74.10/hr	15	1,111.50
4. Daily Equipment Usage Fee	40.00/ea	40	1,600.00
Sub-Total			\$ 13,326.50
<u>Concrete:</u>			
1. Concrete Compressive Strength Tests.....	\$ 25.00/ea	10	\$ 250.00
2. Material Technician	57.00/hr	15	855.00
3. Daily Equipment Usage Fee	40.00/ea	4	160.00
Sub-Total			\$ 1,265.00
<u>Project Administration:</u>			
1. Project Coordinator	\$ 70.00/hr	3	\$ 210.00
2. Project Engineer.....	165.00/hr	6	990.00
3. Clerical	60.00/hr	3	180.00
Sub-Total			\$ 1,380.00
Estimated Total Cost of Services			\$ 15,971.50

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EXHIBIT B-4

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

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Exhibit B-4

**LIST OF PSP PROJECT MANAGER
AND
SUBCONTRACTORS**

(Name, Company Name, Address & Contact Person (Project Manager))

A. PSP Project Manager:		Preston S. Parker, P.E., PMP (Name) Raba Kistner Consultants, Inc. (Company) 12821 W. Golden Lane, San Antonio, TX 78249 (Address) 210/215-7160 (Cell #) pparker@rkci.com (Email)
B. Subcontractors:		
	1.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	2.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	3.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	4.	_____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)