

TFC Contract No. 18-097-000
Rock Engineering and Testing Laboratory, Inc.
Assignment No. 1
18-019-5740

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
ROCK ENGINEERING AND TESTING LABORATORY, INC.**

TFC CONTRACT NO. 18-097-000

ASSIGNMENT NO. 1

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 1 (hereinafter referred to as “Assignment No. 1” 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 Rock Engineering and Testing Laboratory, Inc., located at No. 1 Roundville Lane, Round Rock, Texas 78664 (hereinafter referred to as “PSP”) (TFC and PSP are hereinafter referred to individually as a “Party” or collectively as “Parties”), to be subject to the terms and conditions that follow:

DESCRIPTION OF PROJECT: The project for which PSP agrees to provide Professional Geotechnical Engineering Services for the proposed addition to the TCEQ Park 35 Building A Central Plant, located at 12100 Park 35 Circle, Austin, Texas, is generally described as: (i) conduct investigation to assist the structural engineer in preparing the foundation design recommendations for the proposed pipe rack and condenser water pump pad and cover; and (ii) prepare and submit a geotechnical engineering letter report (hereinafter referred to as the “Project”), as further described in “Exhibit A-1,” PSP’s IDIQ Assignment No. 1 Proposal dated July 1, 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. 1 shall be completed no later than December 31, 2021, 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. 1.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 1.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 1 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. 1 shall not exceed the sum of Five Thousand Eight Hundred and No/100 Dollars (\$5,800.00). 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. 1, 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-1."

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.

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.

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Assignment No. 1
18-019-5740

This Assignment shall be effective as of the date of the last Party to sign.

**TEXAS FACILITIES COMMISSION ROCK ENGINEERING AND TESTING
LABORATORY, INC.**

By: DocuSigned by: Mike Novak, TFC EXECUTIVE DIRECTOR By: DocuSigned by: CR
B1C9FC0A8020417... 8FB18EDDC8E3435...

Mike Novak

Curtis Rock

Executive Director

Chief Administrative Officer

Date of execution: 08/07/2019 | 11:52 AM CDT Date of execution: 08/07/2019 | 11:39 AM CDT

NRG GC

mw Dir

h DED



- GEOTECHNICAL ENGINEERING
- CONSTRUCTION MATERIALS ENGINEERING & TESTING
- SOILS • ASPHALT • CONCRETE

July 1, 2019

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

Attention: Mr. Kevin Mathis, Project Manager
Kevin.Mathis@tfc.state.tx.us

**SUBJECT: PROJECT COST TO PROVIDE GEOTECHNICAL ENGINEERING SERVICES
BUILDING A (P35A) – CENTRAL PLANT ADDITIONS
12100 PARK 35 CIRCLE
AUSTIN, TEXAS
RETL Proposal Number: P062419A**

Dear Mr. Mathis

Introduction

Rock Engineering and Testing Laboratory, Inc. (RETL) is pleased to submit the following Project Cost to provide Geotechnical Engineering Services for the proposed Addition to the Central Plant for Building A (P35A) at the Texas Commission for Environmental Quality located at 12100 Park 35 Circle in Austin, Texas. Our services will be provided in general accordance with the terms and conditions as presented in TFC Contract No. 18-097-000.

Background Information

Based on information presented in an email dated June 24, 2019 prepared by Mr. Mathis which included a letter titled "Request for Geotechnical Report" dated May 20, 2019 prepared by Ms. Stephanie Tsen, P.E., RETL understands that the structural scope of the proposed project will require foundation recommendations for a Pipe Bridge and a Condenser Water Pump Pad and Cover. RETL also received an email dated June 26, 2019 prepared by Mr. Joe Reyes, P.E. representing MEP Engineering, Inc, which contained a partial set of plans indicating the locations of the proposed Additions.

Additionally, Mr. Arnie K. Hammock, P.E. representing RETL performed a site visit to observe the as-is conditions to determine drill rig accessibility. Based on the current site conditions, it was determined that limited access drilling equipment will be required to perform the test borings near the proposed Addition locations.

ROCK ENGINEERING & TESTING LABORATORY, INC. (TBPE FIRM NO. 2101)
7 Roundville Lane • Round Rock, Texas, 78664
Office: (512) 284-8022 • www.rocktesting.com

Texas Facilities Commission
July 1, 2019
RETL Proposal No. P062419A

CENTRAL PLANT ADDITIONS – P35A
12100 Park 35 Circle
Austin, Texas

Scope of the Subsurface Investigation

The investigation is being performed to assist the Structural Engineer in preparing the foundation design recommendations for the proposed Pipe Rack and Condenser Water Pump Pad and Cover. RETL therefore proposes to perform two (2) test borings completed to depths of approximately 25-feet below the existing ground as close to the proposed Addition locations as possible. Due to existing improvements in the vicinity of the proposed Addition locations, it may only be feasible to complete one (1) test boring for this project. The subsurface investigation, laboratory testing program, and geotechnical engineering scope of work will be as follows:

- RETL will notify the "Texas 811 System" to locate underground utilities within the proximity of the test boring locations.
- RETL will subcontract with GPRS to locate underground private utilities with the proximity of the test boring locations.
- Two (2) test borings will be completed to depths of approximately 25-feet near the proposed Addition locations.
- Samples will be obtained at 2-foot intervals to 10-feet and 5-foot intervals thereafter.
- Groundwater observations will be made during the drilling operations.
- The boreholes will be backfilled with excess soil obtained during the drilling operations.

RETL proposes to complete the test borings with limited access drilling equipment due to existing site restraints.

Scope of the Laboratory Testing Program

The laboratory testing may consist of the following:

- Supplementary visual classification (ASTM D2487)
- Moisture content (ASTM D2216)
- Atterberg limits (ASTM D4318)
- Percent material finer than the #200 sieve (ASTM D1140)
- Unconfined compressive strength (ASTM D2166)
- One-dimensional swell (ASTM D4546)

The preceding test methods may be performed on selected samples, depending on the actual subsurface conditions encountered. The phases of the laboratory-testing program will be performed in general accordance with applicable ASTM specifications. Field and laboratory test results will be included on the Logs of Boring or in the completed report.

Geotechnical Engineering Report

In addition to the field and laboratory testing, a geotechnical engineering letter report will be prepared that includes a description of the field exploration and laboratory tests, Logs of Boring, a discussion of the engineering properties of the subsurface materials encountered, as well as design parameters for both shallow and deep foundation systems suitable to support the proposed Additions.

Texas Facilities Commission
July 1, 2019
RETL Proposal No. P062419A

CENTRAL PLANT ADDITIONS – P35A
12100 Park 35 Circle
Austin, Texas

Fee and Limitations

Our services will be provided in general accordance with the terms and conditions as presented in TFC Contract No. 18-097-000. The projected cost to perform the scope of work outlined above is **\$5,800.00**. The first availability for the use of a limited access drill rig is July 15, 2019. The field work is expected to be completed in one (1) day while the laboratory testing program is anticipated to be completed in four (4) days. Our report will be available one (1) week after the completion of the laboratory testing program. RETL can consult with the client as field and laboratory test results become available.

Services provided by RETL under this Agreement will be performed in a manner consistent with the degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. The Client shall provide for RETL's right to enter the property owned by the Client and/or others.

Closing

If you are in agreement with our proposed scope of work and fees, please provide authorization to proceed signing below and returning one copy of this proposal to us. Authorization to proceed will be inferred by RETL to mean that the test boring locations will be made accessible to truck-mounted drilling equipment prior to the arrival of the drilling crews. Thank you for your consideration of our firm to assist you with this project. If you have any questions, or comments, please call our office.

Acceptance of this Proposal is by execution of Assignment No. 1 to TFC Contract No. 18-097-000. Payment information is addressed in 18-097-000.

Sincerely,

Brian Geiger

Brian Geiger, P.E.
Geotechnical Project Manager

ACCEPTED AND APPROVED

By: _____

Print: _____

Date: _____

A. King Hammock

Arnie K. Hammock, P.E.
Vice President – Round Rock

For payment of services, invoice to:

Firm: _____ Attn: _____

Address: _____ Title: _____

City: _____ State: _____ Zip Code: _____ Phone: _____ Fax: _____

E-mail address: _____

****Please remit Payment to:
Rock Engineering & Testing Laboratory, Inc.
6817 Leopard Street
Corpus Christi, Texas 78409-1703**

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

A. Project Manager:	Name: Arnie K. Hammock, P.E. Company Name: Rock Engr & Testing Laboratory, Inc. Address: 7 Roundville Lane, Round Rock, Texas Phone No.: 512-284-8022 Email: arnie.hammock@rocktesting.com
B. Subcontractors:	
1.	Name: Matt Brenna Company Name: Total Support Services, Inc. Address: 3801 Capital of TX Hwy, Ste E-240, Austin Phone No.: 512-569-2075 Email: mbrenna1@austin.rr.com
2.	Name: Company Name: Address: Phone No.: Email:
3.	Name: Company Name: Address: Phone No.: Email: