

TFC Contract No. 18-112-000
Tab Technologies, LLC
Assignment No. 3
Project No.: 18-022-2501

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
TAB TECHNOLOGIES, LLC**

TFC CONTRACT NO. 18-112-000

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 Tab Technologies, LLC located at 3901 South Lamar Boulevard, Suite 130, Austin, Texas 78704 (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 testing, adjusting and balancing services for the boiler replacement at the State Finance Building located at 2601 North Lamar Boulevard, Austin, Texas 78705 (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-3," PSP's IDIQ Assignment No. 3 Proposal dated May 30, 2018, attached hereto and incorporated herein for all purposes and consisting of one (1) page. All TAB activities shall be performed in accordance with the current edition of the National Environmental Balancing Bureau Procedural Standards.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 3 shall be completed no later than August 31, 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. 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 Two Thousand Three Hundred Ninety-Two and 00/100 Dollars (\$2,392.00). No more frequently than once per month, shall PSP submit a Pay Application to TFC for services

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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. 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

TAB TECHNOLOGIES, LLC

DocuSigned by:
JOHN RAFF
C29F7F24A756477...

DocuSigned by:
Tyler Lewis
DB6047BCC4A14FC...

John S. Raff

Print Name: Tyler Lewis

Interim Executive Director

Print Title: Operations Manager

Date of execution: 08/03/2018 | 3:39 PM CDT

Date of execution: 08/03/2018 | 11:28 AM CDT

NRG G.C.

vmw Dir.

Sh D.E.D.

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EXHIBIT A-3

PSP'S IDIQ ASSIGNMENT NO. 3 PROPOSAL DATED MAY 30, 2018



TFC Contract No. 18-112-000

Exhibit A-3

Assignment No. 3

May 30, 2018

Texas Facilities Commission
1711 San Jacinto Boulevard
Austin, TX 78701

ATTN: Dorothy Spearman

RE: TFC State Finance Building Boiler Replacement

Dorothy,

We are pleased to quote the testing, adjusting and balancing (TAB) of the HVAC systems on the referenced project for the total net sum of: **\$2,392.00**
(Two Thousand Three Hundred Ninety Two Dollars 0/00 US less tax)

CLARIFICATIONS:

- All TAB activities will be performed in accordance with the current edition of the National Environmental Balancing Bureau (NEBB) Procedural Standards.
- The TAB scope is based on 90% CDs dated 5-3-18.
- The TAB specification includes items not within the scope of work for this project. Our proposal includes: (1) Boiler; (2) Pumps; (1) Exhaust Fan.

EXCLUSIONS:

- Overtime & afterhours
- Commissioning
- Ductless split system unit
- Pre-construction audit

If you have any questions, please don't hesitate to call.

Respectfully submitted,
TAB TECHNOLOGIES

Tyler Lewis
cc: BP 18-88

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EXHIBIT B-3

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

**LIST OF PSP PROJECT MANAGER
 AND
 SUBCONTRACTORS**

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

<p>A. PSP Project Manager:</p>		<p>____ Tyler Lewis _____ (Name) ____ TAB Technologies, LLC _____ (Company) 3901 S. Lamar Blvd., Ste 130, Austin, TX, 78704 _____ (Address) ____ 512-318-8253 _____ (Cell #) ____ tlewis@tab-tech.com _____ (Email)</p>
<p>B. Subcontractors:</p>		<p>None – we 100% self-perform our work</p>
	<p>1.</p>	<p>____ (Name) ____ (Company) ____ (Address) ____ (Cell #) ____ (Email)</p>
	<p>2.</p>	<p>____ (Name) ____ (Company) ____ (Address) ____ (Cell #) ____ (Email)</p>
	<p>3.</p>	<p>____ (Name) ____ (Company) ____ (Address) ____ (Cell #) ____ (Email)</p>
	<p>4.</p>	<p>____ (Name) ____ (Company) ____ (Address) ____ (Cell #) ____ (Email)</p>