

TFC Contract No. 18-099-000
Terracon Consultants, Inc.
Assignment No. 2
Project No.: 14-031K-6047

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

TFC CONTRACT NO. 18-099-000

ASSIGNMENT NO. 2

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 2 (hereinafter referred to as "Assignment No. 2" 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 Terracon Consultants, Inc., located at 5307 Industrial Oaks Boulevard, Suite 160, Austin, Texas 78753 (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 observation and testing services for the replacement of the full parking area at the Texas Department of Public Safety Corpus Christi Office Parking Lot, located at 1922 South Padre Island Drive, Corpus Christi, Texas 78416 (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-2," PSP's IDIQ Assignment No. 2 Proposal dated June 25, 2018, attached hereto and incorporated herein for all purposes and consisting of six (6) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 2 shall be completed no later than December 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. 2.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 2.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 2 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. 2 shall not exceed the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00). No more frequently than once per month, PSP shall submit a Pay Application to TFC for services performed and reasonable

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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. 2, 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-2."

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

TERRACON CONSULTANTS, INC.

By: ^{DocuSigned by:}
JOHN RAFF
C29F7F24A756477...

By: ^{DocuSigned by:}
James G. Bierschwale
9E565B8776C7480...

John S. Raff

James G. Bierschwale

Interim Executive Director

Vice President

Date of execution: 08/06/2018 | 5:24 PM CDT

Date of execution: 08/06/2018 | 12:39 PM CDT

NRG G.C.

MW Dir.

[Signature] D.E.D.

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EXHIBIT A-2

PSP'S IDIQ ASSIGNMENT NO. 2 PROPOSAL DATED JUNE 25, 2018



June 25, 2018

Texas Facilities Commission
1711 San Jacinto Blvd.
Austin, Texas 78701

Attn: Mr. F. Keith Hall, AIA
Telephone # 512.463.7690
Email: keith.hall@tfc.state.tx.us

RE: Proposal
Construction Materials Testing and Inspection Services
DPS DM Corpus Christi Parking Lot – Phase 2
1922 South Padre Island Drive
Corpus Christi, Texas 78416
Proposal N^o P90161388A

Dear Mr. Hall,

Terracon Consultants Inc. appreciates the opportunity to submit this proposal to provide construction materials observation and testing services for the proposed DPS DM Corpus Christi Parking Lot project. This proposal outlines our understanding of the scope of services to be provided by Terracon and includes unit fees for services we anticipate will be required for this project.

A. PROJECT INFORMATION

We understand the project is to include re-construction of the existing asphalt parking lot. The new pavement is going to be concrete section of approximately 34,000 square feet.

B. SCOPE OF SERVICES

We anticipate providing the requested construction materials observation and testing services for this project on an "as requested" basis during construction. We will rely on the general contractor or his representative to notify us at least 24 hours in advance when the requested services are needed. The technicians assigned to the project will be qualified and equipped to perform the following field services:

- Earthwork Observation/Testing
- Reinforcing Steel Observation
- On-Site Concrete Observation/Testing

These services are described in greater detail in Exhibit B "Proposed Scope of Services for Construction Materials Observation and Testing". Our cost estimate is included in Exhibit C. *Our proposed scope of services should be reviewed by the design professionals prior to the start*

Terracon Consultants, Inc. 6911 Blanco Road, San Antonio, Texas 78216
P (210) 641-2112 F (210) 641-2124 terracon.com Texas Professional Engineers No 3272



**Proposal For: Texas Facilities Commission
DPS DM Corpus Christi Parking Lot – Phase 2 • Corpus Christi, Texas
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of construction. If the design professionals determine that the proposed testing and observation scope is inappropriate, we would be happy to work with you in developing a scope and cost estimate to address the requested change in scope.

C. COMPENSATION

Our scope of services will be determined by your authorization for specific services as requested by your project superintendent or other representative. Charges for our services will be based on the quantities of services provided and the unit rates shown on the attached "Exhibit C." The cost of our services will be determined by the construction schedule and the quantity of services provided. Based on our review of the construction plans and specifications and our experience with similar construction projects and information provided by the contractor, our fee estimate to provide the proposed scope of services is \$14,995.00. If additional services are required due to conditions such as scheduling, inclement weather, or retesting, this fee may be exceeded. We recommend that a budget of \$16,000.00 be established for these services. Please recognize that this is an estimate. We will only invoice for the actual services and required laboratory services.

The construction schedule and sequencing will have a major impact on the testing/observation cost. We would be glad to visit with you at the appropriate time and revise the estimated cost presented in this proposal as necessary to meet the project needs. We appreciate the opportunity to provide this proposal and look forward to working with you and the rest of the project team.

D. AUTHORIZATION

We understand that authorization for services will be provided by the Texas Facilities Commission by issuing an Assignment under Texas Facilities Commission Contract No. 14-112-0000 / IDIQ No. 14EGEO01-00-00. Services will be provided in accordance with the previously executed contract dated April 2, 2014. This proposal for services and accompanying Exhibits, Schedule of Services and Fees and the previously executed contract shall constitute the terms and conditions for our services to be performed for this project.

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Exhibit A-2

Assignment No. 2

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We appreciate the opportunity to provide this proposal and look forward to working with you and the rest of the project team.

Sincerely,
Terracon Consultants Inc.
(Firm Registration: TX F3272)

David A. Ramos, EIT
Project Manager/Estimator

Yash A. Jakatimath, P.E.
Department Manager

DARYAJ
Attachments
Exhibits B and C

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**EXHIBIT B
PROPOSED SCOPE OF SERVICES FOR CONSTRUCTION MATERIALS
OBSERVATION AND TESTING
DPS DM Corpus Christi Parking Lot
TERRACON PROPOSAL NO. P90161388A**

The proposed scope of services provided by Terracon is described below. The purpose of these services is to observe various components of the construction and conduct specific tests to determine whether or not the materials and construction comply with the project requirements. These services are designed to provide a level of quality assurance (QA) for the client and are not intended to replace quality control (QC) tests and procedures required by the contractors and their suppliers. Terracon requires a complete set of construction plans and specifications approved for construction and any addenda or revisions approved during the construction process that would affect the construction related to the requested QA services.

If additional services are needed to comply with the construction documents, Terracon should be contacted and requested to modify our proposed scope and estimated cost. The contractor has the responsibility to be familiar with the project requirements and to contact Terracon a minimum of 24 hrs. (one business day) prior to the time our services will be required. Terracon is not responsible for providing specified services if the client does not authorize Terracon to provide the services or if the contractor does not provide adequate notification for our scheduling purposes.

Terracon will provide construction observations and testing services requested by the client as described in our "Scope of Services" in general accordance with the normal standard of care. Our scope of services does not include any design, design review, construction safety, trench safety, construction supervision, or construction management services. Terracon personnel do not have the responsibility or authority to stop the contractor's work, or to accept or reject any construction materials or workmanship, even if they do not comply with the project requirements.

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EXHIBIT B (continued)

1. **Concrete** – The Terracon scope of services includes sampling concrete, and conducting slump and concrete compressive strength tests. Terracon personnel do not have the authority to accept or reject concrete even if it does not comply with the project specifications. The contractor has the responsibility to reject concrete that does not comply with the specifications or is unsuitable for use. Terracon will typically make 4-inch diameter, 8-inch high cylinders for compressive strength testing whenever the aggregate size allows. When larger aggregate is used in the concrete or when the client requires 6-inch diameter, 12-inch high cylinders, a surcharge will be applied for each cylinder made and tested. We will rely on the contractor or his concrete supplier to provide adequate facilities for initial (and field) curing of test cylinders as required by ASTM C 31 test procedures.

2. **Earthwork** – The Terracon scope of services includes sampling and testing of fill soils, periodic observation of earthwork operations, and moisture-density testing of subgrade and compacted fills.

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DPS DM Corpus Christi Parking Lot – Phase 2 Corpus Christi, Texas
June 25, 2018 Terracon Proposal No. P90161388A

EXHIBIT C
COST ESTIMATE FOR REMAINING
CONSTRUCTION MATERIALS TESTING SERVICES
DPS DM Corpus Christi Parking Lot

Earthwork Observation/Testing				
Service	Quantity	Unit	Unit Rate	Estimate
Moisture/Density Curve (ASTM D1557)	2	Each	\$ 250.00	\$ 500.00
Atterberg Limits (ASTM D4318)	2	Each	\$ 75.00	\$ 150.00
Sieve Analyses (ASTM C136 & C117)	2	Each	\$ 75.00	\$ 150.00
Nuclear Gauge Fee	8	Each	\$ 50.00	\$ 400.00
Soil Technician, Regular Rate	64	Hour	\$ 40.00	\$ 2,560.00
Soil Technician, Overtime Rate	0	Hour	\$ 60.00	\$ -
Vehicle Trip Charge	9	Per Trip	\$ 225.00	\$ 2,025.00
Subtotal, Earthwork				\$ 5,785.00

Concrete & Reinforcing Steel Observation/Testing				
Service	Quantity	Unit	Unit Rate	Estimate
Engineering Technician, Regular Hours	30	Hour	\$ 40.00	\$ 1,200.00
Engineering Technician, Overtime Hours	0	Hour	\$ 60.00	\$ -
Concrete Cylinders, (ASTM C31 & C39)	25	Each	\$ 10.00	\$ 250.00
Vehicle Trip Charge	10	Per Trip	\$ 225.00	\$ 2,250.00
Cylinder Pick-Up	30	Hour	\$ 40.00	\$ 1,200.00
Subtotal, Concrete				\$ 4,900.00

This estimate is based on 5 trips for concrete observation and testing. This estimate also includes 5 trips to the project site to pick up concrete test cylinders cast the previous day.

Unexpected Fuel Tank Backfill				\$ 2,850.00
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Project Management	12	Hour	\$ 105.00	\$ 1,260.00
Clerical	5	Hour	\$ 40.00	\$ 200.00

ESTIMATE TOTAL				\$ 14,995.00
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EXHIBIT B-2

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

**DPS DM Corpus Christi #14-031K-6047
Terracon Consultants
LIST OF A/E PROJECT MANAGER
AND
SUBCONTRACTORS**

A. AE Project Manager:	David Andrew Lee Ramos 3606 Wow Rd Corpus Christi TX 78413 210-714-2090 David.Ramos@terracon.com www.terracon.com
B. Subconsultant:	N/A
C. Subconsultant:	N/A