

TFC Contract No. 18-099-000
Terracon Consultants, Inc.
Assignment No. 3
Project No.: 16-003-5090

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

TFC CONTRACT NO. 18-099-000

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 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 cladding repairs project at the Lyndon Baines Johnson State Office Building Annex, located at 299 East 17th Street, Austin, Texas 78701 (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-3," PSP's IDIQ Assignment No. 3 Proposal dated June 28, 2018, attached hereto and incorporated herein for all purposes and consisting of eight (8) pages.

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 Eleven Thousand One Hundred Twenty-Five and No/100 Dollars (\$11,125.00). 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. 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.

[This Space Intentionally Left Blank]

TFC Contract No. 18-099-000
Terracon Consultants, Inc.
Assignment No. 3
Project No.: 16-003-5090

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
C29F7F24A758477...

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

John S. Raff

James G. Bierschwale

Interim Executive Director

Vice President

Date of execution: 08/09/2018 | 12:23 PM CDT

Date of execution: 08/08/2018 | 3:16 PM CDT

NRG G.C.

MW Dir.

[Signature] D.E.D.

TFC Contract No. 18-099-000
Terracon Consultants, Inc.
Assignment No. 3
Project No.: 16-003-5090

EXHIBIT A-3

PSP'S IDIQ ASSIGNMENT NO. 3 PROPOSAL DATED JUNE 28, 2018

June 28, 2018



Mr. Daniel Yen
Texas Facilities Commission
1711 San Jacinto Boulevard
Austin, Texas 78701

Telephone: 512.463.8320
Mobile: 512.872.9623
Email: daniel.yen@tfc.state.tx.us

Re: Construction Materials Observation and Testing Services
LBJ State Office Building - Annex Cladding Repairs
299 E. 17th Street
Austin, Texas
Terracon Consultants Inc. Proposal No. P96181153 – Revision 1

Dear Mr. Yen:

Thank you for selecting Terracon Consultants Inc. to provide construction materials observation and testing services for the proposed LBJ State Office Building Annex Cladding Repairs 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 construction repairs to the existing LBJ State Office Building Annex. The repairs include additional structural concrete at 14 columns and the application of weatherproofing sealant at granite joints.

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 one business day in advance when the requested services are needed. Our proposed scope includes the following field services:

- Concrete (Section 1705.3) (*includes Reinforcing Steel Observation and Observation for Anchors cast in concrete*)
- Sealant Adhesion Testing (ASTM C1521-13)

These services are described in greater detail in Exhibit B "Proposed Scope of Services for Construction Materials Observation and Testing". Our proposed scope of services and cost estimate are included in Exhibit C.

Terracon Consultants, Inc. 5307 Industrial Oaks Blvd, Ste. 160 Austin, Texas 78735
P [512] 442-1122 F [512] 442-1181 terracon.com

Geotechnical



Environmental



Construction Materials



Facilities

Our proposed scope of services should be reviewed by the design professionals prior to the start of construction. If the design professionals determine that the proposed testing and observation scope is inadequate, we would be happy to work with you in developing a scope and cost estimate to address the requested increase 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." Additional services that may be requested (but are not included in the attached cost estimate) can be provided at the unit fees shown in the attached "Schedule of Services and Fees". 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 \$11,125. We recommend that a budget of \$13,000 be established for these 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. 18-099-000. Services will be provided in accordance with the previously executed contract dated 8/24/2017. 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.

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)


Ryan T. Schultz, P.E.
Project Manager, Construction Services


David L. Pickett, P.E.
Department Manager, Construction Services

RTS/DLP/
Attachments

EXHIBIT B
PROPOSED SCOPE OF SERVICES FOR
CONSTRUCTION MATERIALS OBSERVATION AND TESTING
LBJ STATE OFFICE BUILDING - ANNEX CLADDING REPAIRS
TERRACON PROPOSAL NO. P96181153 - Revision 1

The proposed scope of services provided by Terracon is described below. The purpose of these services is to observe requested components of the construction and conduct specific tests as requested by the Client 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 based upon the requested frequency and are not intended to replace quality control 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. The Terracon scope of services may not meet all of the project requirements for construction observation and testing if the client retains Terracon to provide a lesser extent of services. The contractor has the responsibility to be familiar with the project requirements and to contact Terracon a minimum of 24 hours (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.

EXHIBIT B
PROPOSED SCOPE OF SERVICES FOR
CONSTRUCTION MATERIALS OBSERVATION AND TESTING
LBJ STATE OFFICE BUILDING - ANNEX CLADDING REPAIRS
TERRACON PROPOSAL NO. P96181153 – Revision 1

A brief summary of scope of services that Terracon typically provides is shown below. This scope is based in part on the International Building Code special inspection requirements with some modifications.

1. **Sealant Adhesion Testing (ASTM C1521-13)** – Terracon will perform field sealant adhesion tests in general conformance with ASTM C1521-13 *Standard Practice for Evaluating Adhesion of Installed Weatherproofing Sealant Joints*. Upon completion of the testing, Terracon will provide a field report documenting our findings. Up to ten adhesion tests can be performed for each site visit. The Contractor is responsible for providing access (e.g. via aerial lift platform) as well as repair of any destructive adhesion tests performed.
2. **Concrete (Section 1705.3)** – 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.

The Terracon scope of services also includes spot observations of the formwork dimensions and the reinforcing steel size, spacing, and configuration on a periodic basis prior to concrete placement.

The Terracon scope of services related to anchors cast in concrete includes verification of bolt diameter, length, shape, and embedment in concrete. The contractor has the responsibility to schedule this observation prior to placement of concrete. In those cases where anchor bolts are drilled and epoxied into existing concrete foundations, Terracon should be contacted to be present during installation of the bolts in order to verify the bolt hole size, depth, and cleanliness as well as the application of epoxy and installation of bolts.

The Terracon scope of services does not include the following: continuous observation of concrete placement for proper application techniques, periodic observation of the maintenance of specified curing temperatures and/or techniques for constructed structures, review of the erection procedures and temporary bracing for precast concrete members or verification of in-situ concrete strength prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs.

P96181153 - Revision 1

June 28, 2018

Page 5



EXHIBIT C
COST ESTIMATE FOR
CONSTRUCTION MATERIALS TESTING SERVICES
LBJ STATE OFFICE BUILDING - ANNEX CLADDING REPAIRS
Terracon Proposal No. P96181153 - Revision 1

Sealant Adhesion Observation/Testing				
Service	Quantity	Unit	Unit Rate	Estimate
Inspection and Testing	5	Per Trip	\$ 1,400.00	\$ 7,000.00
Subtotal, Sealant Adhesion				\$ 7,000.00

This estimate is based on 5 trips for sealant adhesion observation.

Reinforcing Steel Observation				
Service	Quantity	Unit	Unit Rate	Estimate
Engineering Technician, Regular Rate	20	Hour	\$ 50.00	\$ 1,000.00
Engineering Technician, Overtime Rate	0	Hour	\$ 75.00	\$ -
Vehicle Trip Charge	5	Per Trip	\$ 40.00	\$ 200.00
Subtotal, Reinforcing Steel				\$ 1,200.00

This estimate is based on 5 trips for reinforcing steel observation.

Concrete Observation/Testing				
Service	Quantity	Unit	Unit Rate	Estimate
Engineering Technician, Regular Hours	20	Hour	\$ 50.00	\$ 1,000.00
Engineering Technician, Overtime Hours	0	Hour	\$ 75.00	\$ -
Concrete Cylinders, (ASTM C31 & C39)	25	Each	\$ 16.00	\$ 400.00
Vehicle Trip Charge	10	Per Trip	\$ 40.00	\$ 400.00
Cylinder Pick-Up	10	Hour	\$ 50.00	\$ 500.00
Subtotal, Concrete				\$ 2,300.00

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.

IV. Project Management	5	Hour	\$ 125.00	\$ 625.00
-------------------------------	----------	-------------	------------------	------------------

ESTIMATE TOTAL	\$ 11,125.00
-----------------------	---------------------



**SCHEDULE OF SERVICES AND FEES
CONSTRUCTION MATERIALS ENGINEERING
2017**

Personnel

Principal, Officer, per hour	\$150.00
Senior Engineer, per hour	\$130.00
Project Engineer, per hour	\$125.00
Project Manager, per hour	\$125.00
Senior Engineering Technician, per hour	\$60.00
Construction Materials Technician, per hour	\$50.00

Transportation

Vehicle, per trip (within 25 miles of Terracon office)	\$40.00
Mileage (over 25 miles from Terracon office) per mile	\$0.60

A fuel surcharge may be added if fuel costs increase by more than 10% during the project duration.

Concrete Field Services

Engineering technician, per hour	\$50.00
Engineering technician, overtime rate, per hour	\$75.00

Concrete Tests

Cylinder compression test (ASTM C 31 & C 39), 4"x8", each	\$16.00
Cylinder compression test (ASTM C 31 & C 39), 6"x12", each	\$20.00
Beam flexural test (ASTM C 293 or C 78), each	\$50.00

Masonry Field Services

Masonry technician, per hour	\$56.00
Masonry technician, overtime rate, per hour	\$84.00
Compressive strength CMU block (ASTM C 140), each	\$100.00
CMU block absorption only (ASTM C 140), each	\$75.00
CMU Block prism compressive strength (ASTM C 1314), each	\$250.00
Compressive strength of grout prism (ASTM C 1019), each	\$35.00
Compressive strength of mortar cube (ASTM C 780 & C 109), each	\$18.00



**SCHEDULE OF SERVICES AND FEES
 CONSTRUCTION MATERIALS ENGINEERING
 2017**

Soils Laboratory Tests

Classification

Atterberg limits (ASTM D 4318), each	\$60.00
Sieve analysis (ATM C 136), each	\$75.00
Sieve analysis percent finer than #200 (ASTM C 117), each	\$50.00
Combined sieve analysis (ASTM C 136 and C 117)	\$100.00

Compaction

Optimum moisture / maximum dry density relations (proctors)

ASTM D698, each	\$180.00
ASTM D1557, each	\$190.00
Additional charge for Coarse Aggregate Correction (ASTM D4718)	\$25.00
TXDOT TEX 113E, each	\$230.00
TXDOT TEX 114E, each	\$180.00
Permeability (ASTM D 5084), each	\$350.00

Soils Field Services

In place density / moisture test, nuclear method (ASTM D 2922/ASTM D 3017), minimum 3, each	\$18.00
Field gradation of lime treated soil, each	\$45.00
Depth check of lime treated soil, each	\$25.00
Soil pH value (TEX 128E) each	\$25.00
Soils technician, per hour	\$50.00
Soils technician, overtime rate, per hour	\$75.00

Asphaltic Concrete Services

Asphalt technician, per hour	\$56.00
Asphalt technician, overtime rate, per hour	\$84.00
Molding specimens (TEX 206F), set of 3	\$75.00
Bulk specific gravity of lab molded specimens, set of 3	\$50.00
Bulk specific gravity of core specimen (TEX 207F), each	\$50.00
Maximum theoretical density (ASTM D 2041 or TEX 227F), each	\$75.00
Hveem stability (ASTM D 1560 or TEX 208F), set of 3	\$100.00
Extraction and Sieve Analysis (ASTM D 2172 or TEX 210F), each	\$200.00
Asphalt coring, each	\$95.00
Asphalt core thickness & density, each	\$50.00

TFC Contract No. 18-099-000
P96181153 – Revision 1
June 28, 2018
Page 8

Exhibit A-3

Assignment No. 3



**SCHEDULE OF SERVICES AND FEES
CONSTRUCTION MATERIALS ENGINEERING
2017**

Drilled Pier

Senior technician, per hour \$60.00
Senior technician, overtime rate, per hour \$90.00

Wood Truss & Fire Stop

Senior Technician, per hour \$60.00
Senior Technician, overtime rate, per hour \$90.00

Structural Steel

Visual Inspection by CWI, per hour \$80.00
Ultrasonic Testing by CWI, per hour \$90.00
Ultrasonic Testing equipment, per day Subcontractor's Cost + 15%
Ultrasonic Testing Trip Fee Subcontractor's Cost + 15%

Reinforcing Steel Detection

Senior Technician, per hour \$60.00
Senior Technician, overtime rate, per hour \$90.00
Hilti Ferroskan equipment, per day \$220.00

Roofing, Waterproofing and EIFS

Project Manager, Senior Roofing Professional, per hour \$125.00
Engineering Technician-Forensics/Roofing/Waterproofing, per hour \$65.00

TFC Contract No. 18-099-000
Terracon Consultants, Inc.
Assignment No. 3
Project No.: 16-003-5090

EXHIBIT B-3

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

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

A. Project Manager:		Ryan Schultz _____ (Name) 5307 Industrial Oaks Blvd., suite 160 Austin, TX 78735 (Address) 512-814-9633 (Cell #) Ryan.schultz@terracon.com (Email)
B. Subcontractors		NONE ANTICIPATED
	1.	_____ _____ _____ _____ (Name) _____ (Address) _____ (Cell #) _____ (Email)
	2.	_____ _____ _____ _____ (Name) _____ (Address) _____ (Cell #) _____ (Email)
	3.	_____ _____ _____ _____ (Name) _____ (Address) _____ (Cell #) _____ (Email)
	4.	_____ _____ _____ _____ (Name) _____ (Address) _____ (Cell #) _____ (Email)