

TFC Contract No. 18-099-000
Terracon Consultants, Inc.
Assignment No. 4
18-002-8601

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

TFC CONTRACT NO. 18-099-000

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 Terracon Consultants, Inc. located at 5307 Industrial Oaks Boulevard, Suite 160, Austin, Texas 78735 (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 conducting construction materials observation and testing for the construction of a new building currently known as Building 612, on the Texas School for the Blind and Visually Impaired campus, located at 1100 West 45th Street, Austin, Texas (hereinafter referred to as the “Project”), as more completely described in “Exhibit A-4,” PSP’s IDIQ Assignment No. 4 Proposal dated February 14, 2019, attached hereto and incorporated herein for all purposes and consisting of eleven (11) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 4 shall be completed no later than December 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. 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.

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FEE FOR BASIC SERVICES: Fee for the services set forth in this Assignment No. 4 shall not exceed the sum of Ten Thousand and No/100 Dollars (\$10,000.00). 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. 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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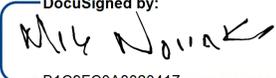
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ENTIRE AGREEMENT AND MODIFICATION: The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, 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

TERRACON CONSULTANTS, INC.

By:  DocuSigned by:
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By:  DocuSigned by:
6BB450DD8CAB424...

Mike Novak

James G. Bierschwale

Executive Director

Vice President

Date of execution: 02/28/2019 | 5:43 PM CST

Date of execution: 02/28/2019 | 4:51 PM CST

 GC

 Dir

 DED

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EXHIBIT A-4

PSP'S IDIQ ASSIGNMENT NO. 4 PROPOSAL DATED FEBRUARY 14, 2019



February 14, 2019

Ms. Dorothy Spearman
Texas Facilities Commission
1711 San Jacinto Blvd
Austin, TX 78701-1416
United States of America

Telephone: 512-463-2946
Email: dorothe.spearman@tfc.state.tx.us

Re: Construction Materials Observation and Testing Services
Texas School for the Blind - Building 612
1100 W 45th Street
Austin, Texas 78756
Terracon Consultants Inc. Proposal No. P96191026 (Revision 1)

Dear Ms. Spearman,

Thank you for selecting Terracon Consultants Inc. to provide construction materials observation and testing services for the proposed Texas School for the Blind - Building 612 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

Our understanding of this project is based on our review of the geotechnical report (prepared by PSI dated 7/24/18), the structural plans (prepared by Jose I Guerra, Inc. dated 11/7/18), civil plans (prepared by Doucet & Associates dated 11/7/18) and our previous experience with similar construction projects. The construction schedule and Statement of Special Inspections was not available for our review. We understand the project is to include construction of a one-story building structure with an approximate footprint of 4,200 square feet. The building structure will consist of a spread footing foundation system and a pre-engineered metal building frame. The site improvements will include the construction of several sidewalks and an asphalt pavement area for drop off.

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



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 identified in Chapter 17 of the 2015 issue of the International Building Code as described in Exhibit B:

- Steel (Section 1705.2)
- Concrete (Section 1705.3) (*includes Reinforcing Steel Observation and Observation for Anchors cast in concrete*)
- Soils (Section 1705.6)

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.

This proposal does not include and/or varies from some of the observation/testing requirements noted in the project specifications, structural plans, Statement of Special Inspections and Building Code. 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, geotechnical report and our experience with similar construction projects, our fee estimate to provide the proposed scope of services is \$8,630. We recommend that a budget of \$10,000 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

If this proposal is accepted, we understand that the Texas Facilities Commission will prepare a contract to be executed by Terracon and the Texas Facilities Commission.

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)

A handwritten signature in blue ink, appearing to read "CPS", is positioned above the name Christopher P Schram, P.E.

Christopher P Schram, P.E.
Project Manager, Construction Services

A handwritten signature in blue ink, appearing to read "David L Pickett", is positioned above the name David L. Pickett, P.E.

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

CPS/DLP
Attachments



EXHIBIT B
PROPOSED SCOPE OF SERVICES FOR
CONSTRUCTION MATERIALS OBSERVATION AND TESTING
Texas School for the Blind - Building 612
TERRACON PROPOSAL NO. P96191026 (Revision 1)

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 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 or the City of Austin special inspection requirements, 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 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
Texas School for the Blind - Building 612
TERRACON PROPOSAL NO. P96191026 (Revision 1)

1. **Steel (Section 1705.2)** – The Terracon scope of services includes visual observations of completed field welds and spot checks of weld sizes. Weld slag should be removed from all field welds prior to scheduling the weld observation. The contractor has the responsibility to schedule these services in a timely manner such that full access is available to all welds. The Terracon scope of services does not include shop fabrication inspection, inspection of welded connections completed during shop fabrication, inspection of joint fit-up and welding procedures/techniques or verification of framing for conformance with field erection tolerances. In addition, the Terracon scope of services includes visual observations of selected bolted connections and spot checking of tightness of randomly selected bolts with a torque wrench when the specifications include bolt torque requirements. These services will be provided on a periodic basis.

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.



EXHIBIT B
PROPOSED SCOPE OF SERVICES FOR
CONSTRUCTION MATERIALS OBSERVATION AND TESTING
Texas School for the Blind - Building 612
TERRACON PROPOSAL NO. P96191026 (Revision 1)

3. **Soils (Section 1705.6)** – The Terracon scope of services includes sampling and testing of soils, periodic observation of earthwork operations, and moisture-density testing of subgrade and compacted fills. The Terracon scope of services does not include verification of the use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill on a continuous basis. The Terracon scope of services also excludes sampling, testing and evaluation of materials below shallow foundations to determine whether or not they are adequate to achieve the design bearing capacity. The adequacy of shallow footing subgrade soils will be based on recommendations in the geotechnical engineering report (or structural engineer's notes if a geotechnical engineering report is not provided) and visual observations of the foundation excavation bottom.



EXHIBIT C
COST ESTIMATE FOR
CONSTRUCTION MATERIALS TESTING SERVICES
Texas School for the Blind - Building 612
Terracon Proposal No. P96191026 (Revision 1)

Earthwork Observation/Testing				
Service	Quantity	Unit	Unit Rate	Estimate
Moisture/Density Curve (ASTM D698)	4	Each	\$ 190.00	\$ 760.00
Add'l Charge for Coarse Aggregate Correction	2	Each	\$ 30.00	\$ 60.00
Atterberg Limits (ASTM D4318)	4	Each	\$ 60.00	\$ 240.00
Sieve Analyses (ASTM C136 & C117)	4	Each	\$ 100.00	\$ 400.00
Soil Technician, Regular Rate	42	Hour	\$ 80.00	\$ 3,360.00
Soil Technician, Overtime Rate	0	Hour	\$ 120.00	\$ -
Subtotal, Earthwork				\$ 4,820.00

This estimate is based on providing three density tests per lift of building fill with an estimated building pad thickness of 5 feet.

Reinforcing Steel Observation				
Service	Quantity	Unit	Unit Rate	Estimate
Engineering Technician, Regular Rate	9	Hour	\$ 80.00	\$ 720.00
Engineering Technician, Overtime Rate	0	Hour	\$ 120.00	\$ -
Subtotal, Reinforcing Steel				\$ 720.00

This estimate is based on 3 trips for reinforcing steel observation (1 trip for the building foundation and 2 trips for sidewalks).



**EXHIBIT C
 COST ESTIMATE FOR
 CONSTRUCTION MATERIALS TESTING SERVICES
 Texas School for the Blind - Building 612
 Terracon Proposal No. P96191026 (Revision 1)**

Concrete Observation/Testing				
Service	Quantity	Unit	Unit Rate	Estimate
Engineering Technician, Regular Hours	10	Hour	\$ 80.00	\$ 800.00
Engineering Technician, Overtime Hours	0	Hour	\$ 120.00	\$ -
Concrete Cylinders, (ASTM C31 & C39)	15	Each	\$ 16.00	\$ 240.00
Subtotal, Concrete				\$ 1,040.00

This estimate is based on 3 trips for concrete observation and testing (1 trip for the building foundation and 2 trips for sidewalks) and also includes 3 trips to the project site to pick up concrete test cylinders cast the previous day.

Structural Steel Observation				
Service	Quantity	Unit	Unit Rate	Estimate
Visual & Bolt Torque, CWI, Regular Rate	8	Hour	\$ 100.00	\$ 800.00
Visual & Bolt Torque, CWI, Overtime Rate	0	Hour	\$ 150.00	\$ -
Subtotal, Structural Steel				\$ 800.00

This estimate is based on 2 trips for structural steel observation. This estimate does not include shop inspection or non-destructive testing of welded connections.

V. Project Management	10	Hour	\$ 125.00	\$ 1,250.00
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ESTIMATE TOTAL				\$ 8,630.00
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**SCHEDULE OF SERVICES AND FEES
CONSTRUCTION MATERIALS ENGINEERING
2018**

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

Field Services

Lead Engineering Technician, per hour	\$80.00
Lead Engineering Technician, overtime rate, per hour	\$120.00
Support Engineering Technician, per hour	\$60.00
Support Engineering Technician, overtime rate, per hour	\$90.00

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 Tests

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
 2018**

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 OR 114E, each	\$230.00
Permeability (ASTM D 5084), each	\$350.00
Chloride & Sulfate (Tex 620-J), each	\$100.00

Soils Field Services

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

Asphaltic Concrete Services

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



**SCHEDULE OF SERVICES AND FEES
CONSTRUCTION MATERIALS ENGINEERING
2018**

Structural Steel

Visual Inspection by CWI, per hour	\$100.00
Ultrasonic Testing by CWI, per hour	\$120.00

Reinforcing Steel Detection

Senior Technician, per hour	\$90.00
Senior Technician, overtime rate, per hour	\$135.00
Hilti Ferroscon equipment, per day	\$220.00

Remarks

A three hour minimum charge is applicable to all trips made for the performance of testing, inspection, cancellations or consulting services. A minimum charge of 2 hours will be assessed for trips to the project site for sample or cylinder pick up only.

All labor, equipment, and transportation charges are billed on a portal to portal basis from our office.

Overtime rates of 1.5 times the quoted hourly rate will be applicable for all time worked in excess of eight (8) hours per day, all time worked outside of daylight hours of 6:00 AM to 6:00 PM Monday through Friday, and all time worked on weekends and holidays.

Court appearances, depositions, etc. will be charged at 1.5 times the quoted hourly rate.

Unit fees for tests not listed will be quoted on request.

Rush testing and inspection services are subject to a surcharge (to be negotiated).

Material samples should be submitted in a form that complies with applicable requirements.

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EXHIBIT B-4

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

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

A. PSP Project Manager:	Chris Schram (Name) Terracon Consultants, Inc. (Company) 5307 Industrial Oaks Blvd, Ste 160 Austin, TX(Address) 512.891.2691 (Cell #) <u>Chris.schram@terracon.com</u> (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)