

TFC Contract No. 18-115-000
Terracon Consultants, Inc.
Assignment No. 18
Project No. 16-019-5530

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

TFC CONTRACT NO. 18-115-000

ASSIGNMENT NO. 18

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 18

(hereinafter referred to as "Assignment No. 18" 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 (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 contains three Tasks generally described as follows: (i) Task 1 – prepare asbestos abatement design, plans and specifications, for the removal and disposal of asbestos-containing materials ("ACM") in the Department of State Health Services ("DSHS") utility tunnel running between the DSHS Old Power Plant building ("DHOP"), under the Tower Building and into Buildings G and K, located on the DSHS campus at 1100 West 49th Street, Austin, Texas. Provide plans and specifications to TFC Project A/E, Stanley Consultants, Inc. for inclusion in the Construction Documents within fifteen (15) days after Notice to Proceed. (ii) Task 2 – provide on-site project implementation, inspection, air monitoring, collection and analysis for the safe removal of ACM's from the utility tunnel. Provide licensed consultants and technicians during abatement work, coordinate operations with Construction Manager-at-Risk and Owner as described in proposal. (iii) Task 3 - upon Project completion, prepare final Project report documenting the ACM removal and disposal as described in proposal. Tasks 1, 2, and 3 are collectively referred to as the Assignment No. 18 Project (hereinafter referred to as the "Project") and are further depicted in "Exhibit A-18," PSP's IDIQ Assignment No. 18 Proposal dated January 11, 2019 (Proposal No. 96187049 Revision 1), 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. 18 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. 18.

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SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 18.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 18 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. 18 shall not exceed the sum of Eleven Thousand Seven Hundred Ninety-Five (\$11,795.00). 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. 18, 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-18."

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.

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

TEXAS FACILITIES COMMISSION

TERRACON CONSULTANTS, INC.

By: DocuSigned by:
Mike Novak
B1C9FC0A0020417...

By: DocuSigned by:
Richard Ian Howes, Project Consultant
4E64CB23B0F442D...

Mike Novak

Richard Ian Howes

Executive Director

Project Consultant

Date of execution: 02/08/2019 | 7:14 AM CST

Date of execution: 02/07/2019 | 3:43 PM CST

NRG GC

mt Dir

DE DED.

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EXHIBIT A-18

**PSP'S IDIQ ASSIGNMENT NO. 18 PROPOSAL DATED JANUARY 11, 2019
(PROPOSAL NO. P96187049 REVISION 1)**



January 11, 2019

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

Attention: Mr. Kevin Sandberg

Telephone: (512) 463-8198
Mobile: (512) 210-9021
E-Mail: kevin.sandberg@tfc.state.tx.us

Re: Proposal for Additional Asbestos Consulting Services
DSHS Deferred Maintenance Project
Robert Bernstein Building (RBB), Common Corridors, and Utility Tunnel
1100 West 49th Street
Austin, Texas 78756
Terracon Proposal No. P96187049 Revision 1

Dear Mr. Sandberg:

Terracon Consultants, Inc. (Terracon) is pleased to submit this proposal to provide additional asbestos consulting services for work in the Robert Bernstein Building (RBB; also known as Building G), two common corridors, and the utility tunnel areas associated with RBB at the Department of State Health Services main campus to facilitate planned renovations/upgrades at the above-referenced location. Terracon understands the additional work will include removal of asbestos-containing chilled water line/fitting insulation mastic and steam line/fitting insulation materials from the utility tunnel areas associated with RBB and the Department of Health Tower (DHT) in the path of the planned upgrades and/or repairs to the mechanical, electrical, and plumbing (MEP) systems. The additional scope of services is intended to meet state and federal requirements for abatement projects conducted prior to renovation of public buildings. Terracon proposes to provide additional air monitoring services during abatement as part of the scope of work in this proposal.

PROPOSED SCOPE OF ADDITIONAL SERVICES

Terracon will provide a licensed asbestos consultant and technicians, who will be available for periodic inspections and air sampling throughout the duration of the removal project. The asbestos consultant will coordinate operations for the client and provide abatement project management for the duration of the project. Critical visual inspections conducted prior to the start of work and at the completion of abatement, prior to encapsulation, will be conducted by the consultant or a qualified project manager delegated by the consultant. Air monitoring will be



Terracon Consultants, Inc. 5307 Industrial Oaks Boulevard, Suite 160 Austin, Texas 78735
P (512) 442 1122 F (512) 442 1181 terracon.com

Proposal for Asbestos Consulting Services

DSHS DM Project – RBB, Common Corridors, and Utility Tunnel ■ Austin, Texas

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conducted throughout the abatement activities and following the completion of abatement operations. The project will require approximately one hundred (100) hours of additional on-site air monitoring for removal of the asbestos-containing chilled water line/fitting insulation mastic and steam line/fitting insulation materials from the utility tunnel areas associated with RBB and DHT in the path of the planned upgrades and/or repairs to the MEP systems which were not included as part of the original scope of services for RBB and the common corridors.

The air samples collected during the work periods and following completion of the removal operations will be analyzed on-site by Phase Contrast Microscopy (PCM) in accordance with the National Institute of Occupational Safety and Health (NIOSH) Method 7400.

PROJECT BUDGET

The project budget is based on the anticipated scope of work as outlined above. The following is an estimate based upon available data and will not be exceeded without Client approval.

ESTIMATED ADDITIONAL PROJECT COST	
DESCRIPTION	COST
Confirmation Sampling - \$80/hour (estimate 8 hours)	\$640.00
PLM Laboratory Analysis - \$15/sample (estimate 45 samples)	\$675.00
Abatement Design Documents (Lump Sum)	\$500.00
On-site Inspection/Air Monitoring (includes collection and analysis of up to ten PCM air samples/day) – \$80/hour (estimate 100 hours)	\$8,000.00
Project Management (includes project coordination and other project related work) - \$125/hour (estimate 6 hours)	\$750.00
Report Preparation - \$95/hour (estimate 8 hours)	\$760.00
Clerical - \$55/hour (estimate 4 hours)	\$220.00
Report Review - \$125/hour (estimate 2 hours)	\$250.00
Total Estimate Cost	\$11,795.00

Terracon's invoice will be submitted to the client upon completion of the proposed services. If conditions are encountered at the site which require significant changes in the scope of services or a significant increase in the anticipated number of hours necessary which will increase the

Proposal for Asbestos Consulting Services

DSHS DM Project – RBB, Common Corridors, and Utility Tunnel ■ Austin, Texas

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cost of the project, you will be contacted for discussion and approval of such changes before we proceed.

GENERAL COMMENTS

The analysis, comments and recommendations presented in the written report will be based on the information collected as discussed in this proposal. If requested by the client, Terracon may provide a verbal report prior to completion of a final written report. The content of the final written report takes precedence over any verbal reports which may be provided. Please note that Terracon does not warrant the work of laboratories, regulatory agencies or other third parties supplying information used in the preparation of the report. Terracon cannot guarantee a building or building components to be asbestos free.

This proposal has been prepared for Texas Facilities Commission. The report prepared as part of the services herein shall be for the exclusive use and reliance of Texas Facilities Commission and shall not be conveyed to third parties without prior written authorization from them and Terracon.

The Scope of Work proposed in this proposal and the Proposal for Services shall constitute the exclusive services to be performed for this project.

We appreciate the opportunity to provide this revised proposal and look forward to working with you on this project. If you should have any questions or comments regarding this proposal, please call.

Sincerely,
Terracon Consultants, Inc.

Mitch Stogner
Individual Asbestos Consultant
TDSHS License No.: 105648
mitch.stogner@terracon.com

Richard Ian Howes
Individual Asbestos Consultant
TDSHS License No.: 105406
ian.howes@terracon.com

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EXHIBIT B-18

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:	<u>Richard Ian Howes</u> (Name) <u>Terracon Consultants, Inc.</u> (Company) <u>5307 Industrial Oaks Blvd., Ste. 160, Austin, TX</u> (Address) <u>(512) 680-4062</u> (Cell #) <u>Ian.Howes@terracon.com</u> (Email)
Terracon Inspectors	<u>Mitch Stogner</u> (Name) <u>Terracon Consultants, Inc.</u> (Company) <u>5307 Industrial Oaks Blvd., Ste. 160, Austin, TX</u> (Address) <u>(512) 653-4138</u> (Cell #) <u>Mitch.Stogner@terracon.com</u> (Email) <u>Kenneth Williamson</u> (Name) <u>Terracon Consultants, Inc.</u> (Company) <u>5307 Industrial Oaks Blvd., Ste. 160, Austin, TX</u> (Address) <u>(512) 563-8439</u> (Cell #) <u>Kenneth.Williamson@terracon.com</u> (Email) <u>Robert Dyer</u> (Name) <u>Terracon Consultants, Inc.</u> (Company) <u>5307 Industrial Oaks Blvd., Ste. 160, Austin, TX</u> (Address) <u>(512) 636-4194</u> (Cell #) <u>Robert.Dyer@terracon.com</u> (Email) <u>Michael Jenkins</u> (Name) <u>Terracon Consultants, Inc.</u> (Company) <u>5307 Industrial Oaks Blvd., Ste. 160, Austin, TX</u> (Address) <u>(281) 382-8135</u> (Cell #) <u>Michael.Jenkins@terracon.com</u> (Email)
B. Subcontractors:	No Subcontractor Personnel will be on site
	1. _____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	2. _____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)