

TFC Contract No. 18-115-000
Terracon Consultants, Inc.
Assignment No. 21
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. 21

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 21 (hereinafter referred to as “Assignment No. 21” 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 subject to the terms and conditions that follow:

DESCRIPTION OF PROJECT: The project for which PSP agrees to provide Professional Services is generally described as providing additional asbestos consulting services for on-site project implementation, inspection, air monitoring, collection and analysis for the safe asbestos-containing material (“ACM”) removal from the Robert Bernstein Building (“RBB”) and two (2) common corridors located at the Department of State Health Services main campus, 1100 West 49th Street, Austin, Texas. Services shall include, but are not limited to: (i) removal of asbestos-containing resilient floor tile/mastic, HVAC duct mastic, and thermal system insulation/mastic materials to facilitate ongoing renovations/upgrades; and (ii) provide licensed consultants and technicians during abatement work, coordinate operations with Construction Manager-at-Risk and Owner as described in proposal (hereinafter referred to as the “Project”), as further depicted in “Exhibit A-21,” PSP’s IDIQ Assignment No. 21 Proposal No. P96187019 Revision 2 dated January 2, 2020, 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. 21 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. 21.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 21.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 21 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

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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. 21 shall not exceed the sum of Thirty Thousand Eight Hundred Fifteen and No/100 Dollars (\$30,815.00). 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. 21, 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-21."

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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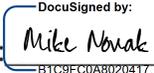
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ENTIRE AGREEMENT AND MODIFICATION: The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, 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:  _____
B1C9FC0A8020417...

By:  _____
072016CCA8DB42C...

Mike Novak

Richard Ian Howes

Executive Director

Project Consultant

Date of execution: 01/24/2020 | 4:51 PM CST

Date of execution: 01/24/2020 | 2:33 PM PST

GC 

Dir 

DED 

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EXHIBIT A-21

**PSP'S IDIQ ASSIGNMENT NO. 21 PROPOSAL NO. P96187049 REVISION 2
DATED JANUARY 2, 2020**



January 2, 2020

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) and Common Corridors
1100 West 49th Street
Austin, Texas 78756
Terracon Proposal No. P96187049 **Revision 2**

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) and two common corridors associated with RBB at the Department of State Health Services main campus. Terracon understands the additional work will include removal of asbestos-containing resilient floor tile/mastic, HVAC duct mastic, and thermal system insulation/mastic materials to facilitate ongoing renovations/upgrades. 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 conducted throughout the abatement activities and following the completion of abatement operations. The project will require approximately three hundred (300) hours of additional on-site air monitoring for removal of the asbestos-containing resilient floor tile/mastic, HVAC duct



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

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mastic, and thermal system insulation materials throughout the 2nd-4th Floors of RBB and the two common corridors. The scope of the materials to be abated has increased since the start of the project. Based on our recent experience with other phases of this project, the additional hours in this proposal are for the anticipated time it will likely take the abatement contractor to complete the work over multiple phases/mobilizations as areas become available. As of this date, abatement activities are complete in the Penthouse Mechanical Room, 1st Floor, and Basement areas of RBB, and in the utility tunnel areas associated with RBB and the Department of Health Tower (DHT).

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
On-site Inspection/Air Monitoring (includes collection and analysis of up to ten PCM air samples/day) – \$80/hour (estimate 375 hours)	\$30,000.00
Project Management (includes project coordination and other project related work) - \$125/hour (estimate 4 hours)	\$500.00
PLM Laboratory Analysis - \$15/sample (estimate 21 bulk confirmation samples)	\$315.00
Total Estimate Cost	\$30,815.00

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 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

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Exhibit A-21

Assignment No. 21

Proposal for Asbestos Consulting Services

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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.

A handwritten signature in blue ink, appearing to read "Mitch Stogner".

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

A handwritten signature in blue ink, appearing to read "Richard Ian Howes".

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

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EXHIBIT B-21

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)