

**AMENDMENT NO. 1
TO THE
PROFESSIONAL ARCHITECT/ENGINEERING SERVICES
AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
TOM GREEN AND COMPANY ENGINEERS, INC.**

This Amendment No. 1 to the Professional Architectural/Engineering Services Agreement (hereinafter referred to as “Amendment No. 1”) is entered into by and between the Texas Facilities Commission (hereinafter referred to as “TFC”), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701, as Owner (as defined in UGC, Section 1.28), and Tom Green and Company Engineers, Inc., a Texas Corporation (hereinafter referred to as “A/E”), located at 3701 Executive Center Drive, Suite 258, Austin, Texas 78731 (hereinafter referred to collectively as the “parties”), to amend the original Professional Architectural/Engineering Services Agreement between the parties.

RECITALS

WHEREAS, on January 22, 2016, the parties entered into that one certain *Professional Services Architectural/Engineering Services Agreement Between the Texas Facilities Commission and Tom Green and Company Engineers, Inc.* (hereinafter referred to as the “Agreement”); and

WHEREAS, the parties desire to amend the Agreement to provide for Additional Services and Fees, and to extend the term of the Agreement, as more particularly described below;

NOW THEREFORE, the parties hereby agree as follows:

1. Unless clearly provided otherwise herein, all terms and phrases in initial caps herein shall have the same meaning as the terms and phrases with initial caps in the Agreement.

2. The parties agree to modify ARTICLE II –SCOPE OF SERVICES by adding Section 2.1.10, which shall read in its entirety as follows:

“2.1.10. Additional Design and Construction Administration Services. A/E agrees to provide additional Professional Services for renovation of all floors where restrooms have not been previously renovated to include: ground floor through 4th Floor and 8th Floor through 12th Floor. Services shall include but are not limited to: (i) contract bidding/award phase; and (ii) construction administration phase, as further described in A/E’s Proposal No. 115851B dated November 8, 2017, attached hereto and incorporated herein for all purposes as “Exhibit A-1.”

3. The parties agree to modify ARTICLE III – TERM AND TERMINATION, SECTION 3.1 – DURATION, so that it reads in its entirety as follows:

"3.1 Duration. This Agreement shall be effective as of the Effective Date and shall terminate on August 31, 2020, unless extended by the parties by amendment to this Agreement or terminated earlier, as provided below."

4. The parties agree to modify ARTICLE IV – CONSIDERATION, SECTION 4.1 – CONTRACT LIMIT-FEES AND EXPENSES, SUBSECTION 4.1.1 – FIXED FEE, by reflecting additional compensation to the A/E for services provided under this Amendment No. 1 in the amount of Four Hundred Twenty Five Thousand and No/100 Dollars (\$425,000.00), thus increasing the total amount of the Agreement from One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00), to a total not to exceed amount of One Million Nine Hundred Twenty Five Thousand and No/100 Dollars (\$1,925,000.00).

5. All other terms and conditions of the Agreement not expressly amended herein shall remain in full force and effect.

TEXAS FACILITIES COMMISSION

**TOM GREEN AND COMPANY
ENGINEERS, INC.**

By: JSR

By: [Signature]

John S. Raff

Cameron Labunski, P.E.

Acting Executive Director

Senior Engineer

Date of execution: 2-2-18

Date of execution: 2-1-2018

G.C. NRG

Dir. mw

D.E.D. [Signature]

TFC Contract No. 16-063-001
Amendment No. 1
Project No. 16-005-5180

TFC CONTRACT NO. 16-063-000

AMENDMENT NO. 1

EXHIBIT A-1

A/E'S PROPOSAL NO. 115851B DATED NOVEMBER 8, 2017

**Tom Green & Company
Engineers, Inc.**

November 8, 2017

PN 115851B

Mr. Billy Knapp
Texas Facilities Commission
1711 San Jacinto Blvd
Austin, TX 78701

**SUBJECT: TFC 16-17DM WBT Building Deferred Maintenance Project: Proposal/Contract
Amendment No. 1 – Restroom Renovations**

Dear Billy:

We appreciate this opportunity to present our Amendment proposal for additional professional services for the subject project.

This proposal is offered to provide the additional Design and Construction Administration (CA) Services requested for the design of the renovation of restrooms along with other scope items itemized below. Fees are understood to be funded through an increased Contract amount via this amendment.

Amendment Design Services will be performed on a fixed fee basis in the amount of \$375,000, and include the design/CA of the following scope of work to be included as a new Bid Package:

1. Bid Package-2 (Current Proposal): Renovation of WBT restrooms for all floors where restrooms have not been previously renovated (includes floors Ground through 4 and 8 through 12; excludes floors 5 through 7).
2. Future Packages: Undefined – Scope of work to be determined based on the results of the supplementary assessments and the confidence of the CMR/TFC regarding the scope elements constructible within future available funds. Future packages scope is not included in the current proposal.
3. Contract bidding/award phase (CBA) and construction administration (CA) phase services will be consistent with the scope of work provided in the base proposal/scope.

Additionally, we recommend that an additional \$50,000 be added to the Contract for future design allocation for use at the project manager's discretion for design elements as funds become available through CMR Owner's savings.

TFC WBT-Building Deferred Maintenance 16-17 Project: Amendment Proposal for Restroom Renovations

Scope	Design, Bid/Negotiation, C/A Fee
Deficiency List I-A/II-A/I-B/II-B Assessment	\$80,000
Terminal Box Controls and Reconfiguration	\$281,000
AHU Replacements	\$1,139,000
Previous Total	\$1,500,000
Amendment No. 1 (A-1) Fees	
Restroom Renovations	\$375,000
Assessments' Future Design Allocation	\$50,000
Amended Total	\$1,925,000

The approximate fee breakdown by phase for the above Restroom Renovation scope is as follows: Schematic Design through Contract Documents - 75%; Bid Negotiation/Construction Administration - 25%.

If this Amendment proposal is acceptable to you, please provide an approval consistent with your normal procedures. Should there be any questions or requested changes, please contact me to go over them at your earliest opportunity.

We appreciate this opportunity to be of continued service to you and the TFC, and look forward to a successful project!

Sincerely,



Cameron Labunski, P.E.
Senior Engineer

Texas Firm Registration No. 2929