

**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 March 11, 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 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 2.1.12, which shall read in its entirety as follows:

“2.1.12. Additional Design and Construction Administration Services. A/E agrees to provide additional Professional Services for the HVAC systems servicing the Texas Veterans Commission, Office of Veterans’ Records (“OVR”), located at 1700 North Congress Avenue, Austin, Texas, described below and more particularly set forth in “Exhibit A-1,” A/E’s Proposal No. 115852B dated August 9, 2017, attached hereto and incorporated herein for all purposes.

2.1.12.1. Confirm existing archival storage environmental conditions;

2.1.12.2. Determine whether OVR HVAC is suitable for archival storage conditioning, and whether to decouple it from the building’s chilled water systems.

2.1.12.3. Provide design and construction administration services for indoor and outdoor equipment and related architectural, structural, and MEP systems modifications to accommodate the HVAC equipment.”

3. 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 Eighty Five Thousand and No/100 Dollars (\$85,000.00), thus increasing the total amount of the Agreement from One Million Four Hundred Forty Seven and No/100 Dollars (\$1,447,000.00), to a total not to exceed amount of One Million Five Hundred Thirty Two Thousand and No/100 Dollars (\$1,532,000.00) .

4. 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: 
Harvey Hilderbran

By: 
Cameron Labunski, P.E.

Executive Director

Senior Engineer

Date of execution: 9-28-17

Date of execution: 9-26-2017

G.C. 

Dir. mw

D.E.D. M

TFC CONTRACT NO. 16-085-000

AMENDMENT NO. 1

EXHIBIT A-1

A/E'S PROPOSAL NO. 115852B DATED AUGUST 9, 2017

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

August 9, 2017

PN 115852B
CONFIDENTIAL

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

SUBJECT: TFC 16-17DM SFA Building Deferred Maintenance Project: Proposal/Contract Amendment No. 1 – Additional Design

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 OVR HVAC system not included in the original project scope. Fees are understood to be funded through an increased Contract amount funded through this amendment.

OVR HVAC Design Services will be performed on a fixed fee basis in the amount of with a limit of \$50,000, and include the design/CA of the following scope of work:

- 1) Confirmation of Archival storage environmental conditions
- 2) OVR HVAC suitable for archival storage conditioning, decoupled from building chilled water systems
- 3) Indoor and outdoor equipment
- 4) Related Architectural, Structural, and MEP systems modifications to accommodate the HVAC equipment
- 5) Design Schedule of 4-weeks, following confirmations of environmental and space constraints from OVR/TFC. Lead time of equipment is approximately 6-weeks, resulting in an installation time of roughly 2-4 weeks during the December to February timeframe.

Additionally, we recommend that an additional \$35,000 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.

Scope	Design, Bid/Negotiation, C/A Fee
Deficiency List I-A/II-A/I-B/II-B Assessment	\$95,600
AHU Replacements	\$976,400
Restroom Renovations	\$375,000
OVR HVAC Design	\$50,000
Assessments' Future Design Allocation	\$35,000
Sub-Total	\$1,532,000

SFA DM-16/17: Proposal/Contract Amendment No. 1 – Additional Design - CONFIDENTIAL

The approximate fee breakdown by phase for the above OVR HVAC Design 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,

A handwritten signature in black ink, appearing to read 'Cameron Labunski', written in a cursive style.

Cameron Labunski, P.E.
Senior Engineer

Texas Firm Registration No. 2929