

**AMENDMENT NO. 2
TO THE
PROFESSIONAL ARCHITECT/ENGINEERING SERVICES
AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
TOM GREEN AND COMPANY ENGINEERS, INC.**

This Amendment No. 2 to the Professional Architectural/Engineering Services Agreement (hereinafter referred to as “Amendment No. 2”) 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, on September 26, 2017, the parties entered into Amendment No. 1 to provide for Additional Services and Fees; and

WHEREAS, the parties desire to further amend the Agreement to provide for Additional Services and Fees, and to extend 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 2.1.12.4, which shall read in its entirety as follows:

“2.1.12.4. Design replacement for three (3) dedicated outside air handling units located in the basement and sub-basement, replace ground floor kitchen water heater located in the basement, and any items determined to be constructible within budget based on the results of supplementary assessments, as further described in A/E’s Proposal No. 115852C dated November 8, 2017, attached hereto and incorporated herein for all purposes as “Exhibit A-2.”

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. 2 in the amount of Two Hundred Seventy Five Thousand and No/100 Dollars (\$275,000.00), thus increasing the total amount of the Agreement from One Million Five Hundred Thirty Two Thousand and No/100 Dollars (\$1,532,000.00), to a total not to exceed amount of One Million Eight Hundred Seven Thousand and No/100 Dollars (\$1,807,000.00).

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: 
Harvey Hilderbran

By: 
Cameron Labunski, P.E.

Executive Director

Senior Engineer

Date of execution: 12-6-17

Date of execution: 12-5-2017

G.C. 

Dir. 

D.E.D. 

TFC CONTRACT NO. 16-085-000

AMENDMENT NO. 2

EXHIBIT A-2

A/E'S PROPOSAL NO. 115852C DATED NOVEMBER 8, 2017

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

November 8, 2017

PN 115852C

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. 2 – Dedicated Outside Air Handling Units' 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 replacement of building outside air handling units, domestic water heating, and other various items not included in the original project scope. 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 \$250,000, and include the design/CA of the following scope of work to be included as a new Bid Package:

- 1) Bid Package-3 (Current Proposal): Replace three dedicated outside air handling units (DOAUs) located in the basement and sub-basement (50,000 cfm total). Replace Ground floor Kitchen water heater located in the basement.
- 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.

Additionally, we recommend that an additional \$25,000 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.

SFA DM-16/17: Proposal/Contract Amendment No. 2 – DOAU Design

Scope	Design, Bid/Negotiation, C/A Fee
Deficiency List I-A/II-A/II-B/II-B Assessment	\$95,600
AHU Replacements	\$976,400
Restroom Renovations	\$375,000
OVR HVAC Design	\$50,000
Assessments' Future Design Allocation (A-1)	\$35,000
Previous Total	\$1,532,000
 Amendment No. 2 (A-2) Fees	
DOAUs, Dom. Water Heater (A-2)	\$250,000
Assessments' Future Design Allocation (A-2)	\$25,000
Amended Total	\$1,807,000

The approximate fee breakdown by phase for the above DOAU/domestic water heater 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