

TFC Contract No. 18-056-000
Tom Green and Company Engineers, Inc.
Assignment No. 2
Project No.: 18-022-2501

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
TOM GREEN AND COMPANY ENGINEERS, INC.**

TFC CONTRACT NO. 18-056-000

ASSIGNMENT NO. 2

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 2 (hereinafter referred to as "Assignment No. 2" 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 Tom Green and Company Engineers, Inc. located at 3701 Executive Center Drive, Suite 258, Austin, Texas 78731 (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 is generally described as providing Design and Construction Administration services for the State Finance Commission Building project located at 2061 North Lamar Boulevard, Austin, Texas 78705. Services shall include but are not limited to: (i) replacement of the boiler, flue, piping and related work required to move it to a new location in the mechanical room; and (ii) replacement of the elevator equipment, controller, finishes, and creating a new climate controlled equipment room (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-2" PSP's IDIQ Assignment No. 2 Proposal dated April 11, 2018, attached hereto and incorporated herein for all purposes and consisting of two (2) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 2 shall be completed no later than December 31, 2019, 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. 2.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 2.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 2 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. 2 shall not exceed Ninety Six Thousand Five Hundred and No/100 Dollars (\$96,500.00). No more frequently than once per month, 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. 2, 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-2."

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.

TEXAS FACILITIES COMMISSION

TOM GREEN AND COMPANY ENGINEERS, INC.

By: ^{DocuSigned by:}
JOHN RAFF
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By: ^{DocuSigned by:}

0BF2238D7C984EE

John S. Raff

Cameron Labunski, P.E.

Interim Executive Director

Senior Engineer

Date of execution: 06/14/2018 | 5:38 PM CDT

Date of execution: 06/14/2018 | 12:36 PM CDT

^{DS}
NRG G.C.

^{DS}
MW Dir.

^{DS}
JK D.E.D.

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EXHIBIT A-2

PSP'S IDIQ ASSIGNMENT NO. 2 PROPOSAL DATED APRIL 11, 2018

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

April 11, 2018

PN 117929A

Ms. Dorothy Spearman
Texas Facilities Commission
1711 San Jacinto Blvd
Austin, TX 78701

SUBJECT: Texas Facilities Commission: Proposal for SFB Boiler and Elevator Replacements

Dear Dorothy:

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

Per our discussions, this proposal includes the design of a bid package for the TFC State Finance Commission Building Boiler and Elevator Replacements.

A. Design Review Scope Overview:

- 1) Owner Coordination Meetings to occur on an as needed basis with TFC PM and project stakeholders.
- 2) Review of existing conditions and detailed site investigations for the replacement of existing boiler piping and equipment. Replace boiler flue gas vent systems. Seal boiler room louvers and semi-condition/temper boiler room, with combustion air ducted to boilers.
- 3) Replace elevator equipment/controller/finishes. Enclose a portion of the mechanical room to create a dedicated room for elevator equipment, and provide dedicated cooling for the room.
- 4) Design and Construction Administration services related to the above items include a combination of the following for each distinct scope element pursued, depending on the outcome of the initial phases of work identified above:
 - a) Site Investigations and materials research to verify and document existing conditions that will impact the scope of renovation work, including detailed site investigations for documentation of as-built conditions where warranted.
 - b) Drawing and specification revisions to incorporate work into the existing HVAC controls replacement project or through other means as determined appropriate by TFC.
 - c) Construction phase and project close-out support.

B. Exclusions

- 1) Programming/concept designs
- 2) Multiple bid packages

TFC SFB Boiler and Elevator Replacements Proposal

- 3) Structural Engineering (none currently identified as needed)
- 4) TDLR Registration Fees
- 5) Opinions of construction cost

C. Basic Services Fee

We believe an hourly approach with a budget best fits the largely varying level of effort required for this project. This approach provides both an upper-limit protection for the Owner as well as the assurance that the Owner receives the benefit of all design economies we experience. We have included our fees based on the information available to us at this time based on the TFC Project Manager's input, with the resulting hourly fee budget of \$96,500 for design and construction administration services.

The work will be billable by effort expended based on hourly personnel costs in each billing period, with all unused portions of the fees returned to TFC or available for use by TFC for other tasks. Additional scope items requested by TFC beyond those included in this proposal may also be accomplished inside of this fee allocation, to the extent that fees are available. If scope items result in significant efforts beyond the available fee presented in this proposal, then the fee will require supplement to allow for compensation related to the effort expended.

Our normal hourly rates which apply to our Services are as follows: Principal Engineer, \$236.00 per hour; Senior Engineer, \$207.00 per hour; Staff Engineer, \$184.00 per hour; Engineer, \$170.00 per hour; Senior Designer, \$164.00 per hour; Staff Designer, \$151.00 per hour; Engineer-in-training, \$128.00; Designer, \$122.00 per hour; Designer/Drafter, \$107.00 per hour; Technical Assistant \$101.00 per hour; Drafter, \$99.00 per hour; Administration, \$93.00 per hour; Clerical, \$67.00 per hour. (These rates are subject to annual adjustment in accordance with our standard salary review practices.)

Reimbursables are not expected for this project and are not included.

D. Acceptance

If this Scope and Fee Reconciliation 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.
Principal Engineer

Texas Firm Registration No. 2929

CL:cl

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EXHIBIT B-2

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:		Cameron Labunski, P.E. Tom Green & Company Engineers, Inc. 3701 Executive Center Drive, Suite 258 Austin, TX 78731 (512) 796-7714 cameronl@tgce.com
B. Subcontractors:		
	1.	Michelle Rossomando, AIA McKinney York Architects 1301 east seventh street Austin, Texas 78702 Office: (512) 476-0201 mross@mckinneyyork.com