

TFC Contract No. 18-135-000
Walter P. Moore & Associates, Inc.
Assignment No. 1
Portal Request No. 18552

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
WALTER P. MOORE & ASSOCIATES, INC.**

TFC CONTRACT NO. 18-135-000

ASSIGNMENT NO. 1

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 1 (hereinafter referred to as "Assignment No. 1" 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 Walter P. Moore & Associates, Inc., located at 1301 McKinney, Suite 1100, Houston, Texas 77010 (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: This project is related to a portal request for services to be provided at the Texas Commission on Environmental Quality (hereinafter referred to as "TCEQ") Park 35 Building A located at 12100 North IH 35, Austin, Texas (hereinafter referred to as the "Facility"). The project for which PSP agrees to provide Professional Services pursuant to this Assignment No. 2 is generally described as documenting the nature of the vibrations generated by human activities on Level 3 of the existing Facility and generating a report indicating proposed vibration remediation solutions (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-1," PSP's IDIQ Assignment No. 1 Proposal dated July 5, 2018, attached hereto and incorporated herein for all purposes and consisting of six (6) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 1 shall be completed no later than August 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. 1.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 1.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 1 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.

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FEE FOR BASIC SERVICES: Fee for the services set forth in this Assignment No. 1 shall not exceed the sum of Nine Thousand and No/100 Dollars (\$9,000.00). 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. 1, 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-1."

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 WALTER P. MOORE & ASSOCIATES, INC.

By: ^{DocuSigned by:} JOHN RAFF
C20F1F24A750477...

John S. Raff

Interim Executive Director

Date of execution: 07/23/2018 | 9:01 AM CDT

By: ^{DocuSigned by:} Mark E Williams
7F41C6D6112D455...

Print Name: Mark E Williams

Print Title: Senior Principal

Date of execution: 07/20/2018 | 11:05 AM CDT

NRG G.C.

CPA Dir.

MN ^{For} D.E.D.

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EXHIBIT A-1

PSP'S IDIQ ASSIGNMENT NO. 1 PROPOSAL DATED JULY 5, 2018

WALTER P MOORE

July 5, 2018

Mr. Randy Wells, AIA, NCARB, LEED AP
Manager of Project Support
Texas Facilities Commission
P.O. Box 13047
Austin, TX 78711-3047

**Re: Proposal for Professional Services
Park 35, Building A, Level 3: Vibration Consulting Services
Austin, Texas
Walter P Moore Proposal No. 16-1790, Rev. 4**

Dear Randy:

Walter P Moore is pleased to submit this proposal to provide consulting engineering services for the referenced project. We understand that you wish for Walter P Moore to provide consulting engineering services and develop conceptual recommendations in relation to the human perception of vibration complaints currently being experienced in the select portion of Level 3 of the 35 Park, Building A office building in Austin, Texas.

This proposal is presented in order to establish a basis for the commencement of our scope of services for the Project. We anticipate that this Proposal and Agreement for Professional Services and attachments, when signed, along with the IDIQ agreement between the Texas Facilities Commission and Walter P Moore and Associates, Inc. dated June 2015 (TFC Contract No. 14-159-001) will serve as our entire Agreement unless superseded by another document signed by both parties.

Basis of Proposal

This proposal is based on our conversations on July 29, 2016.

Agreement

This proposal is valid for 60 days.

We very much appreciate the opportunity to provide these services and look forward to working with you on this Project.

Sincerely,

WALTER P. MOORE AND ASSOCIATES, INC.



Mark E. Williams, Ph.D., P.E., S.E.
Senior Principal



Matthew A. Pavelchak, P.E.
Senior Associate

Attachments: Agreement for Services

WALTER P MOORE

PROPOSAL FOR PROFESSIONAL SERVICES – Terms Attached

Project: Park 35, Building A, Level 3: Vibration Consulting Services
Client: Texas Facilities Commission
Client Contact: Randy Wells, AIA, NCARB, LEED AP
Proposal Date: July 5, 2018
Proposal Number: 16-1790, Rev. 4

Walter P. Moore and Associates, Inc. (Walter P Moore) shall provide services to Client for the Project as defined below and in accordance with the attachments listed below and the terms of the IDIQ agreement between the Texas Facilities Commission and Walter P Moore and Associates, Inc. dated June 2015 (TFC Contract No. 14-159-001):

Project Description:

It is our understanding that human perception of vibration complaints have been received within portions of the third level of the existing Park 35, Building A office building in Austin, Texas. The vibration have been attributed to heel drop and walking vibrations within the corridors of the existing facility. We understand that the elevated floor slab on Level 3 is a composite floor system.

We understand that you wish for Walter P Moore to perform vibration monitoring services during normal building operations on Level 3 to document the nature and magnitude of the floor vibrations. The results of this testing will allow for the development of conceptual recommendations to address the measured conditions.

Our proposal is based on the project as described. If our understanding of the project scope is inaccurate or the project scope materially changes, we understand that our compensation will be equitably adjusted.

Scope of Services:

As defined in Schedule SD18 and this Agreement.

Compensation:

Walter P Moore proposes to provide the defined Scope of Services on a fixed fee basis in accordance with the terms of the IDIQ agreement between the Texas Facilities Commission and Walter P Moore and Associates, Inc. dated June 2015 (TFC Contract No. 14-159-001). **The fixed fee for the basic services defined in the Scope of Services is \$8,500.** As requested an estimate of hours to complete this work and our hourly rate schedule have been attached for reference to this lump sum proposal.

Our fee for basic services does not include sales tax and reimbursable travel expenses, as applicable. **We recommend you budget \$500 for reimbursable expenses.**

Compensation shall be equitably adjusted for changes in the scope of the project as described in the Project Description or changes in the scope of service as described in the Scope of Service.

Additional Services

Walter P Moore proposes to provide Additional Services not included in the Scope of Services as requested and approved by the Client in writing. Additional Services shall be provided without invalidating this Agreement. Additional Services shall be compensated for a mutually agreeable fixed fee.

PROPOSAL FOR PROFESSIONAL SERVICES

Texas Facilities Commission: Park 35, Building A, Level 3: Vibration Consulting Services

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Project Schedule

Walter P Moore will endeavor to achieve the requirements of a reasonable schedule determined appropriate for this matter. Walter P Moore's fee for the defined Scope of Services is based, in part, upon the Project being executed in a timely manner without significant delays or interruptions. We will require three (3) weeks notice prior to mobilization for the onsite testing portion of these services.

Payment:

As defined in the IDIQ agreement between the Texas Facilities Commission and Walter P Moore and Associates, Inc. dated June 2015 (TFC Contract No. 14-159-001).

Attachments:

The following attachments are incorporated by reference as if set forth at length.

Schedule SD18: Scope of Basic Services: Phase 1: Vibration Consulting Services

Schedule RD1: Billing Rate Schedule: Diagnostics Group

Project Hours Estimate

Walter P. Moore and Associates, Inc.: Mark E. Williams, Ph.D., P.E., S.E.
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WALTER P MOORE

Schedule SD18

SCOPE OF BASIC SERVICES

Phase 1: Vibration Consulting Services

I. Basic Services

It is our understanding that you would like Walter P Moore to perform vibration consulting services to document the nature of the vibrations generated by human activities on Level 3 of the existing facility. We propose the following scope of services to meet your requirements:

- A. Select appropriate locations for vibration monitoring with the help of the Texas Facilities Commission. We anticipate vibration testing at several locations on Level 3 of the existing facility based on our review of the structural drawings, interviews with staff, and initial testing results. Access to the structural slab without carpeting will be required for testing at each location.
- B. Monitor ambient vibrations at the selected locations during normal building operations and under forced human excitation. One working day has been allocated for this testing. Accelerometers will be repositioned throughout the day as needed based on initial results and to provide representative data.
- C. Post process data and compare the measured vibrations with available standards in graphical form. We understand that the primary concern is human perception of vibrations therefore we will compare measured vibrations to American Institute of Steel Construction (AISC) Design Guide 11 criteria for human perception.
- D. Develop findings and conceptual recommendations for mitigation of the ambient vibration levels measured.
- E. Prepare a written report summarizing our findings and recommendations.
- F. Meet with the client and other stakeholders to review the results of the vibration study.

This fee proposal does not include structural or vibratory analysis of the existing building, design of vibration mitigation, or isolation systems. These services can be provided in a future phase as deemed necessary. If further testing and evaluation is required for the referenced facility over and above what is stated above, these may be provided under a separate fee proposal as stated in the additional services section of this proposal.

We understand that the Texas Facility Commission will provide a secure location to house our equipment, electricity to run the equipment, and access for Walter P Moore personnel to locations where our equipment will be located during this study. We will have to use glue or bolts to mount the accelerometers to the appropriate structure/surface for monitoring. These mounting methods can cause some minor cosmetic damage to the surface. We will work to minimize the impact of the testing on the existing finishes, but we understand that the Texas Facilities Commission will be responsible for any cosmetic repairs that may be necessary after the vibration testing.

WALTER P MOORE

Schedule RD1

BILLING RATE SCHEDULE

Diagnostics Group
2018 Standard

<u>Category</u>	<u>Rate</u>
Senior Principal.....	\$315.00
Principal.....	\$295.00
Senior Project Manager	\$260.00
Senior Building Enclosure Consultant	\$260.00
Project Manager	\$225.00
Senior Engineer	\$195.00
Engineer	\$180.00
Building Enclosure Consultant	\$180.00
Graduate Engineer.....	\$165.00
Graduate Building Enclosure Consultant	\$165.00
CAD Designer.....	\$165.00
Senior CAD Technician.....	\$135.00
CAD Technician.....	\$105.00
Technician	\$105.00
Project Accountant	\$110.00
Senior Administrative Assistant	\$135.00
Administrative Assistant.....	\$100.00
Senior Consultant	\$300.00

Notes:

1. These billing rates are effective January 1, 2018 through December 31, 2018.
2. Rates after December 31, 2018 may be adjusted by 4% annually.

Project Hours Breakdown

Proposal for Diagnostics Services

Project Opportunity No. 16-1790

TFC Park 35 Bldg Vibration Consulting

Tasks	Senior Principal	Senior PM	Engineer	Graduate Eng
Project Kickoff and Document Review	1	1	1	1
Onsite Vibration Testing			8	8
Travel Time			4	4
Data Analysis		2	8	
Report of Findings				6
Client Communication	1	1		
Subtotal Man hours	2	4	21	19

Total Hours: 46

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EXHIBIT B-1

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:	Matthew Pavelchak, P.E. Walter P. Moore and Associates, Inc. 1301 McKinney, Suite 1100 713-630-7306 (Office) 713-306-3490 (Cell) MPavelchak@walterpmoore.com
B. Subcontractors:	Not Applicable