



TEXAS
Health and Human
Services

**HHS000086700147 ACTIVATION No. 4 FOR
ARCHITECTURAL/ENGINEERING AGREEMENT No. HHS000086700010 (PROJECT NO. 20-009-BSH)**

This Activation (the “**Activation**”) to the above referenced Architectural/Engineering Agreement (the “**Base A/E Agreement**” or “**A/E Agreement**”) is entered into by the Health and Human Services Commission (“**HHSC**” or “**Owner**”) and MNK Architects, Inc. (“**A/E**” or “**Engineer**”), each a “**Party**” and collectively the “**Parties**,” for Architectural or Engineering Services at Big Spring State Hospital located at 1901 US-87, Big Spring, TX 79720. The terms in this Activation are subject to, and incorporated into, the terms of the above referenced Base A/E Agreement. In the event of a conflict between the terms of this Activation and the Base A/E Agreement, the Base A/E Agreement will control in accordance with Article 7 of the Base A/E Agreement.

PROJECT SUMMARY:

A/E shall perform architectural or engineering services under the A/E Agreement and coordinate all services with the Owner’s Construction Manager-At-Risk for the following project

Basic Scope

Bldg. 534 – Kitchen remodel to include: patient and staff restrooms w/ anti ligature fixtures as required, ceiling replacement, lighting upgrade, door frame and window replacements, exhaust hood replacement, EMS for refrigerator/freezer monitoring, RO system upgrades.

Bldgs. 506, 532, 533 and 540 – Replace emergency generators.

Bldgs. 506, 532 and 533 – Replace windows.

Bldgs. 502 and 538 – Finish replacements as needed for plumbing work.

Bldg. 557 – Anti-ligature work to include replacement of toilet partitions, ADA bars, toilet paper dispensers, mechanical louvers, fixtures and miscellaneous items.

Bldgs. 532 and 533 – Tile and grout replacement on walls and floors. Rusted doors and windows replacement. Fan coil replacements.

CONSTRUCTION COST:

(As described and defined in Article 3 of the Base A/E Agreement)

Not to Exceed \$8,700,000.00

FEE:

(As described in Articles 4 and 5 of the Base A/E Agreement)

Basic Services:

A fixed fee of \$870,000.00

$(870,000.00 \text{ (fixed fee)} / 8,700,000.00 \text{ (construction cost)}) = (10\%*)$

**This percentage will be applied to all future contract sum changes per the applicable Base A/E Agreement and Health and Human Service Commission’s Architectural/Engineering Guidelines.*

Supplemental Services:

TDLR Fee - \$1,575.00

TOTAL FEE **\$871,575.00**

UNIT PRICE FOR BID SETS:

(As described in §1.4.3 of the Base A/E Agreement)

Provide digital copies for distribution. If printed copies are requested, they shall be reimbursed as follows:

Bid set printing reimbursable unit price: \$0.16/SF

Bid set printing reimbursable unit price: \$0.49/double-sided sheet for project manual

SPECIAL CONSULTANTS:

Is Not Needed

(As described in §1.5.3 of the Base A/E Agreement)

ALTERNATIVE ENERGY-EFFICIENCY EVALUATION:

(As described in §1.5.7.4 of the Base A/E Agreement)

Is Not Required

PARTNERING:

(As described in §1.2.5.1 of the Base A/E Agreement)

Is Not Required

SITE VISITS:

(As generally described in §1.2 of the Base A/E Agreement)

One Pre-Construction Conference
 One site visit per month during Construction Phase (includes monthly voucher meeting)
 One Substantial Completion site visit for each building
 One Final Inspection site visit of each building
 One Warranty Inspection site visit of each building

REPORTS, DRAWINGS & SPECIFICATIONS:

(As described in §1.4 of the Base A/E Agreement)

Schematic Design: 3 Full-Size Sets and Specifications*
 Design Development: 3 Full-Size Sets and Specifications*

**As each building is being completed for the various stages of review and Construction Documents Phases.*

Bidding Phase: 2 Full-Size Sets, 1 Half-Size Set, and 3 Specifications Bid Sets

The number of contractors and plan rooms bid sets will be reimbursed as an additional service per the unit price for bid sets identified above.

SERVICES SCHEDULE:

(As mentioned in §1.5.5 of the Base A/E Agreement)

Schematic Design: 60 calendar days
 Design Development: 60 calendar days
 100% Construction Documents: 60 calendar days
 Owner Review of each Phase: 7 calendar days
 100% Construction Documents Resubmittal: 15 calendar days*

**If required to incorporate 100% CD comments prior to Bidding.*

PAYMENT SCHEDULE:

(As described in Article 5 of the Base A/E Agreement)

Schematic Design: 10%
 Design Development: 15%
 100% Construction Documents: 35%
 Bidding Phase: 5%
 Construction Phase: 32%*
 Close Out: 3%

**To be paid monthly based on percentage of completion of construction contract.*

For any payment made under the schedule above, Owner shall withhold the greater of (a) 3% of such payment or (b) \$1000 (but in no event will the retained amount exceed 4.9% of the payment amount). Pursuant to §5.5 of the Base A/E Agreement, the entire retainage will be withheld until all required closeout documents are received and approved by the Owner.

HUB SUBCONTRACTING PLAN:

Is Required

(As described in §1.5.14 of the Base A/E Agreement and amended hereto)

DISPUTE RESOLUTION:

1. In the event of a dispute with the Owner, A/E will employ the dispute resolution process set forth in Article 11 of the Base A/E Agreement.
2. Neither the occurrence of an event nor the pendency of a claim constitutes grounds for the suspension of performance by the A/E, in whole or in part. Owner and A/E agree that any periods set forth in the Base A/E Agreement for notice and cure of defaults are not waived, delayed, or suspended by Chapter 2260 of the Texas Government Code or this section.
3. Nothing herein shall hinder, prevent, or be construed as a waiver of Owner’s right to seek redress on any disputed matter in a court of competent jurisdiction.
4. In any litigation or contested case between the Owner and the Project Architect arising from this Activation or this Project, neither party will be entitled to an award of legal fees or costs in any judgment regardless which one is deemed the prevailing party.

The Texas Board of Architectural Examiners, 333 Guadalupe Street, Suite 2-350, Austin, Texas 78701, telephone (512) 305-9000, has jurisdiction over individuals licensed under the Architects’ Registration Law, Chapter 1051, Texas Occupations Code.

The Texas Board of Professional Engineers, 1917 IH 35 South, Austin, Texas 78741, telephone (512) 440-7723, has jurisdiction to each client for whom the Engineer renders an Engineering service in Texas.

The effective date of this Activation is the date when the last signature is affixed hereto.

**Signature Page for Activation No. 4
HHSC Contract No. HHS000086700010**

**Health and Human Services
Commission**

MNK Architects, Inc.

By:  _____
E8BB9F5CB3B048F...
Mike Maples

By:  _____
D10F767B36074B1...
Jennifer Countryman

Deputy executive commissioner

VP

Date of Execution: July 23, 2020

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