



HHS000086700156 ACTIVATION **No. 5** FOR

ARCHITECTURAL/ENGINEERING AGREEMENT NO. HHS000086700030 (PROJECT NO. 20-120-RLC)

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 Garner Fritsche Engineering, Inc (“**Engineer**”), each a “**Party**” and collectively the “**Parties**,” for Architectural or Engineering Services at Richmond State Supported Living Center located at 2100 Preston St, Richmond, TX, 77469. 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:

Basic Scope

Provide an investigation and study of the existing emergency power system operating capability serving the Richmond campus. This will be including but not limited to heating, cooling, domestic water distribution, emergency power capabilities and other major centers of power usage.

CONSTRUCTION COST:

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

(To be determined by recommendation)

FEE:

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

Basic Services:

A fixed fee of \$49,150.00
This investigation and recommendations shall determine final scope for the project and this activation may be amended to include those recommendations.

Supplemental Services:

N/A

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: Study report printing reimbursable unit price: \$ TBD/double-sided sheets

SPECIAL CONSULTANTS:

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

Is Not Needed

ALTERNATIVE ENERGY-EFFICIENCY EVALUATION:

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

Is Required. Review by HHSC Energy Specialist

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)

As necessary to complete all field investigations

REPORTS, DRAWINGS & SPECIFICATIONS:

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

Three (3) full size sets and specifications of the existing conditions, as-built drawings and master plan and bound 8-1/2 x 11 hard copies of the report with recommendations.

SERVICES SCHEDULE:

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

Investigations, analysis and reporting: 70 calendar days.

PAYMENT SCHEDULE:

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

Lump sum upon completion

HUB SUBCONTRACTING PLAN:

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

Is Required

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 Follows

**Signature Page for Activation No. 5
HHSC Contract No. HHS000086700030**

**Health and Human Services
Commission**

DocuSigned by:
By: Mike Maples
Mik...E8BB9F5CB3B048F...
Deputy Executive Commissioner
Health and Specialty Care Systems

Garner Fritsche Engineering, Inc.

DocuSigned by:
By: John C. Garner
Name: John C. Garner, P.E., HFDP
Title: Principal
Phone #: 713 432 1422
Email: jgarner@garnerfritsche.com

Date of Execution: July 17, 2020

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