



TEXAS
Health and Human
Services

**HHS000086700180 ACTIVATION NO. 4 FOR
ARCHITECTURAL/ENGINEERING AGREEMENT NO. HHS000086700001 (PROJECT NO. 20-036-WFH)**

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 **SECORD & LEBOW ARCHITECTS, LLP.** (“**A/E**” or “**Engineer**”), each a “**Party**” and collectively the “**Parties**,” for Architectural or Engineering Services at North Texas State Hospital, Wichita Falls Campus located at 6515 Kemp Boulevard, Wichita Falls, Texas, 76308. 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

The Scope includes building renovation for patient safety, life safety, and to eliminate ligature hazards in Patient Sleeping and Patient Common Areas in Buildings 518, 521, and 536, replacement of fire doors and hardware in Patient-use or accessed buildings, electronic access controls at exterior doors in Administrative Buildings to improve site security, and replacement of the fire sprinkler system for code compliance in Building 695.

CONSTRUCTION COST:

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

Not to Exceed

\$3,200,000.00

FEE:

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

Basic Services:

Pre-Design Service:	\$8,000.00
Equipment Solicitation Fee:	\$1,500.00
Basic Services – Fixed Fee	\$105,906.00
TOTAL fee of	\$115,406.00

$(115,406.00 \text{ (fixed fee)} / 3,200,000.00 \text{ (construction cost)}) = 3.61\%*$

**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:

Not Applicable

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:	\$0.25/SF
Bid set printing reimbursable unit price:	\$0.06/double-sided sheet for project manual

SPECIAL CONSULTANTS:

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

Are 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)

Pre-Design Survey and Design Phase Review Meetings
 One Pre-Construction Conference
 Two site visits per month during Construction Phase
 (includes monthly pay application meeting)
 One Substantial Completion site visit for each building or scope
 One Final Inspection site visit of each building or scope
 One Warranty Inspection site visit of each building or scope

REPORTS, DRAWINGS & SPECIFICATIONS:

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

Schematic Design / Design Development:	2 Full-Size Sets, 2 11x17 Sets, and 3 Specifications Sets
75% Construction Document Phase:	2 11x17 Sets and 2 Specification Sets
Construction Document Phase:	2 Full-Size Sets, 2 11x17 Sets, and 3 Specifications Sets (Revised Sections)
Bidding Phase:	2 Full-Size Sets, 2 11x17 Sets, 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)

Pre-Design Survey / Service:	30 calendar days
Schematic Design / Design Development:	60 calendar days
Owner Review:	15 calendar days
75% Construction Documents:	30 calendar days
Owner Review of 75% CD's:	10 calendar days
100% Construction Documents:	30 calendar days
Owner Review of 100% CD's:	15 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)

Pre-Design Survey / Service:	Fixed
Schematic Design / Design Development:	20%
75% Construction Documents:	30%
100% Construction Documents:	10%
Bidding Phase:	5%
Construction Phase:	35%*
TDLR / TABS Fee:	Fixed

**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 4.99% 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:

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

Signature Page Follows

**Signature Page for Activation No. 4
HHSC Contract No. HHS000086700001**

**Health and Human Services
Commission**

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

**SECORD & LEBOW ARCHITECTS, LLP
dba SLA ARCHITECTS**

DocuSigned by:
By: Craig Hopkins
4098E8BC9C174B9...
Name: Craig Hopkins, AIA
Title: Partner
Phone Number: (940) 767-7478
Email: chopkins@slatx.us

Date of Execution: August 17, 2020

Date of Execution: August 17, 2020