



TEXAS
Health and Human
Services

**HHS000086700192 ACTIVATION NO. 7 FOR
ARCHITECTURAL/ENGINEERING AGREEMENT NO. HHS000086700125 (PROJECT NO. 20-131-AUL)**

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 **ERC Environmental and Construction Services Inc.** (“**A/E**” or “**Engineer**”), each a “**Party**” and collectively the “**Parties**,” for Architectural or Engineering Services at Austin State Supported Living Center located at 2203 W 35th Street, Austin, Texas 78751. 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 Air Quality and Mold Survey for Bldg. 779 and 732 to determine level and extent of airborne particulate that could cause breathing or respiratory ailments to the most fragile patients on the Austin SSLC campus. This Activation may be Amended to contain construction documents based on content and review of Study/Report.

CONSTRUCTION COST:

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

N/A

FEE:

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

Basic Services:

Survey of existing Buildings and
Fixed fee for Study/Report

\$15,110.00

UNIT PRICE FOR BID SETS:

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

N/A:

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 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)

Based on number determined by Consultant to confirm needed tests, observations and studies

REPORTS, DRAWINGS & SPECIFICATIONS:

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

(3) Bound 8 X11 or (2) Electronic copies.

SERVICES SCHEDULE:

Survey: 30 calendar days

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

Report: 10 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 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 Activation No. 7
HHSC Contract No. HHS000086700125

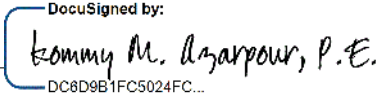
**Health and Human Services
Commission**

By:  _____
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Mike Maples

Deputy executive commissioner

Date of Execution: November 5, 2020

Environmental & Construction Services Inc.

By:  _____
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Kommy M. Azarpour, P.E.

President

Date of Execution: November 5, 2020