

Contract # HHS001033300088



**ACTIVATION NO. 2 FOR
ARCHITECTURAL/ENGINEERING BASE CONTRACT NO. HHS001033300004 (PROJECT
No. 20-301-GEN)**

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 ACR Engineering Inc. (“**A/E**” or “**Engineer**”), each a “**Party**” and collectively the “**Parties**,” for Architectural or Engineering Services at Rio Grande State Center located at 1401 S. Rangerville Rd. Harlingen, Texas 78550 and Corpus Christi State Supported Living Center located at 902 airport Rd, Corpus Christi, Texas 78405. The Activation and the Base A/E Agreement each incorporate all of the terms, conditions, and provisions of the other 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 9 of the Base A/E Agreement.

PROJECT SUMMARY:Project Scope:Supplemental and Additional Services:

ACR Engineering, Inc. will serve as the Owner’s third-party Commissioning Authority (CxA), responsible for directing, overseeing, and documenting commissioning (Cx) tasks associated with new Emergency Power Systems to be installed as part of this project at several Buildings in Corpus Christi and Rio Grande campuses.

Equipment to be commissioned:

Phase	Campus	Building	Generator size		Automatic Transfer Switch size (amps)
			KW	KVA	
1	CSC	501	80	100	400
1	CSC	542	100	125	600
1	CSC	543	100	125	400
2	CSC	510	100	125	400
2	CSC	517	100	125	400
2	CSC	518	80	100	400
3	CSC	514	80	100	400
3	CSC	523	400	500	400
3	CSC	524	150	187.5	800
4	CSC	507	400	500	2500
4	CSC	511	40	40	200
4	CSC	522	40	40	200

Phase	Campus	Building	Generator size		Automatic Transfer Switch size (amps)
			KW	KVA	
1	RSC	504	125	156.3	800
1	RSC	510	125	156.3	500
1	RSC	511	20	25	100
2	RSC	500	500	600	1600
2	RSC	515	180	225	N/A
2	RSC	516	60	75	250
3	RSC	501	N/A	N/A	500
3	RSC	502	N/A	N/A	N/A
3	RSC	503	100	125	400
TBD	RSC	508	N/A	N/A	N/A

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Cx tasks to be performed during Design Phase:

Design Cx Review: Conduct a detailed review of design documents. Focus of Cx design review is to ensure the systems meet design intent with respect to functionality, maintainability and verify compliance with the Owner's requirements. Issue written comments for follow-up and review with Owner and Design Team.

Cx Specifications: Review specifications prepared by Design Team for inclusion of Cx requirements. Develop Cx specifications to include in Project Manual that will be conducive to the enforcement of the Cx process.

Cx tasks to be performed during Construction Phase:

Submittal Review: Review emergency power equipment submittals and provide comments to Owner. This review will be in addition to regular submittal review conducted by project design engineer and intended to ensure the proposed materials and equipment meet the Owner's requirements.

Cx Plan: Develop a Construction Phase Cx Plan including tasks and responsibilities by Contractor, Design Team, Owner, and CxA during the Construction period. The Cx Plan will include pre-functional checklists of the equipment to be commissioned and Functional test procedures.

Functional Test procedures: Develop a building load test strategy in conjunction with Construction Team for Team's review and approved by Design Engineer to demonstrate functional performance of the emergency power supply systems.

CxA will identify existing building systems that are impacted by generator replacement. CxA to request Owner's building records such as electrical as-builts that accurately reflects existing loads that are required to be fed from the new emergency power system. CxA will conduct a site visit to gather information, if required.

Cx kick-off Meeting: Site meeting with Owner, Contractors, and Designers to review the proposed Cx Plan, Cx activities and responsibilities associated with the Cx process.

Systems Testing: Coordinate the implementation of the Cx Plan and take the lead in ensuring the participation of team members in Pre-Functional Testing and Building Load test. Systems testing to include the following:

Pre-functional Testing:

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Installation checklist verification: CxA will conduct a site verification visit after Contractor has submitted completed pre- functional checklists, manufacturer checklists and start-up forms. Upon verification of these checklists and deemed acceptable, CxA will proceed to witness generator's start-up and load bank test to be conducted by the equipment's manufacturer.

Installation Cx Log: Upon installation checklist verification visit, CxA will issue a Cx report/log resulting of the session and will conduct a verification visit upon confirmation of addressed items before moving into Functional test.

Functional Test:

Building load test - Coordination and Execution: CxA will assist the Construction Team, Owner, and Design Team in the preparation, coordination, and execution of the simulation utility power loss test.

Functional Test Cx Log: CxA will document activities performed during the building load test. CxA will issue a Cx report/log with findings and recommendations for corrective actions.

Issues Resolution: Participate in one follow-up on-site meeting to facilitate resolution of issues identified on the Cx Functional Log.

Cx tasks to be performed during Documentation Phase Operations and Maintenance (O&M): Review O&M Manuals and provide comments to Owner for inclusion with Design Team comments prior to acceptance

Owner's Training verification: Verify that Owner's facility personnel is provided with the pertinent information to operate and maintain the emergency power systems.

Summary Cx Report: Prepare a Summary Cx Report describing the process, listing the major milestones, and summarizing major findings and recommendations for future action.

CONSTRUCTION COST:

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

Not applicable to this Activation

FEE:

(As described in Articles 6 and 7 of the Base A/E Agreement)

Supplemental and Additional Services Breakdown:
Corpus Christi SSLC

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Design Phase Cx Tasks	\$420
Construction Phase Cx Tasks	\$6,630
Documentation Phase Cx Tasks	\$550
<i>Total per Building at Corpus Christi Campus</i>	<i>\$7,600</i>
Corpus Christi Campus 12 Generators at	
Total:	<u>\$91,200</u>
<u>Rio Grande SH</u>	
Design Phase Cx Tasks	\$500
Construction Phase Cx Tasks	\$7,100
Documentation Phase Cx Tasks	\$650
<i>Total per Building at Rio Grande SH Campus</i>	<i>\$8,250</i>
Rio Grande SH Campus 5 Generators at	
Total:	\$41,250
<u>Rio Grande SSLC</u>	
Design Phase Cx Tasks	\$500
Construction Phase Cx Tasks	\$7,100
Documentation Phase Cx Tasks	\$650
<i>Total per Building at Rio Grande SSLC Campus</i>	<i>\$8,250</i>
Rio Grande SSLC Campus 5 Generators at	
Total	\$41,250
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Total Scope Fee:	\$173,700.00

UNIT PRICE FOR BID SETS: Not applicable.
(As described in §3.4.3 of the Base A/E Agreement)

CONSULTANTS: Not applicable.
(As described in §3.5.3 of the Base A/E Agreement)

ALTERNATIVE ENERGY-EFFICIENCY EVALUATION: Is not required.
(As described in §3.5.7.4 of the Base A/E Agreement)

PARTNERING: Is not required.
(As described in §3.2.5.1 of the Base A/E Agreement)

SITE VISITS: 7 Site visits per phasing plan in basic project scope
(As generally described in §3.2 of the Base A/E Agreement)

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REPORTS, DRAWINGS & SPECIFICATIONS:

(As described in §3.4 of the Base A/E Agreement)

Electronic copies of plans, checklists, logs, and reports indicated in the basic project scope.

SERVICES SCHEDULE:

(As mentioned in §3.5.5 of the Base A/E Agreement; the schedule on all phases begins on a date specified by written or electronic notice [such as a notice to proceed or phase approval letter] from Owner for that particular phase; Owner's review schedule begins on the next business day after the A/E completion of the particular phase to be reviewed)

Services to be provided in accordance with construction phasing plan.

PAYMENT SCHEDULE:

(As described in Article 7 of the Base A/E Agreement)

Payment made based on milestone completion

HUB SUBCONTRACTING PLAN:

(As described in §3.5.14 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 Chapters 2254 or 2260 of the Texas Government Code, or Chapter 114 of the Texas Civil Practice and Remedies 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 of which one is deemed the prevailing party.

NOTICES:

(For the purposes of this activation, Section 20.1.1 of the Base A/E Agreement is amended to read as follows:)

The following will act as the representative authorized to administer activities under this Activation on behalf of its respective Party.

HHSC Contract Representative

Jason Staggs
909 W. 45th Street: Mail Code: 2064
Austin, Texas 78751

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jason.staggs@hhs.texas.gov

A/E Contract Representative

Ricardo Troncoso
ACR Engineering, Inc.
3001 S. Lamar Blvd. Suite 210
Austin, Texas 78704
rtroncoso@acreng.com


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. 2
HHSC Contract No. HHS001033300088**

**Health and Human Services
Commission**

ACR Engineering, Inc.

DocuSigned by:

By: 0CB2E17A5C9C45D...

Scott Schalchlin

Deputy Executive Commissioner

Date of Execution: June 27, 2022

DocuSigned by:

By: 66C0EC7730E94F8...

Ricardo Troncoso

President

Date of Execution: June 27, 2022