

IN WITNESS WHEREOF, the parties put their hands to this Amendment on the dates indicated below.

FORT BEND COUNTY

HUITT-ZOLLARS, INC.

KP George, County Judge



Daniel Menendez

Date

VICE PRESIDENT

Title

ATTEST:

10/10/19

Date

Laura Richard, County Clerk

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$_____ to accomplish and pay the obligation of Fort Bend County under this contract.

Robert E. Sturdivant, County Auditor

EXHIBIT A: Scope of Work

EXHIBIT A

EXHIBIT A

Fort Bend County – Westpark Park & Ride Construction Management Services Scope of Services to Support Facilities Management & Planning

The contracted scope will include but not be limited to the services detailed below.

Additional Services

Because the effort required for some items of work varies considerably from project to project, and because some items of work are sometimes provided separately by the County, these items of work are not included in the basic service fee and will be charged separately. These additional services shall be negotiated and mutually agreed upon and authorized separately by the County in writing and shall be completed on an hourly basis in accordance with the attached Hourly Rate Sheet. Such additional services may include:

- A. Performing survey services
- B. Specialized engineering reports
- C. Conducting Community Outreach
- D. Commissioning of facilities
- E. Furniture, Fixtures & Equipment Oversight / Management
- F. Assistance/Coordination with the Mud Agreement
- G. Any other service not otherwise included in the Basic Services

County-Provided Services:

The county shall provide Huitt-Zollars with the following:

- A. Access to the Project
- B. Available Drawings and Reports
- C. Materials Testing Services
- D. Field Office

Pre-Construction Phase Services

The Construction Manager (CM) will represent Fort Bend County throughout the course and process of constructing the park & ride. CM services that will be needed prior to the construction phase include:

- Assist with pre-construction activities such as pre-bid meetings, site visits of current contractor work sites, pre-bid conferences, negotiation, award, etc., ensuring completeness and accuracy of official files.
- Assist in facilitating pre-construction conference.
- Establish and maintain communication protocol between the County, Architect, and General Contractor.
- Establish and maintain positive community relations with neighbors, permitting agencies, utility providers, etc., on behalf of the County.
- Develop and maintain Construction Project Management Plan.
- Develop, prepare, and submit the Constructability Review.
- Develop and maintain a Quality Assurance Plan.
- Review milestone schedule for overall program design and construction.
- Monitor and maintain all parties' efforts for conformance to schedule and budget.
- Review design documents, drawings, and specifications for constructability, scheduling, consistency, and coordination.
- Prepare Post bid analysis, assist County in analyzing bids.

- Notify County of Design and Budget concerns throughout the design process as required.
- Assist in the development of value engineering options as required.
- Update construction cost estimate.
- Ensure all contractually required tests, and documented results are fully specified in the contract documents, including identification of those that must be witnessed by Fort Bend County.
- Establish and ensure document control procedures are in place throughout the course of the project.
- Monitor environmental concerns and coordinate all efforts and/or requirements with the appropriate parties. For more information visit: <https://www.epa.gov/nepa> and <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/environmental-programs>

Construction Phase Services

Billing

The Construction Manager will review all billings for not only accuracy in relation to services rendered, but in accordance with the necessary FTA guidelines governing project funding.

- Perform quality surveys, reviews, and verifications of the contractor's monthly application for progress payments.
- Review and verify Construction General Contractor's (GC's) project records, drawings, and schedule are updated to reflect all changes and work completed before each monthly progress payment.
- Obtain field measurements for verification of unit price items.
- Maintain records of the obligated contract amount, billed amount, and ensure that at no time these exceed the amount of contract.
- Responsible for determining progress on a monthly basis and recommending payment based on criteria given in the contract. Documentation should include:
 - Payment Report
 - Certified Payrolls
 - Quantity Verification sheets
 - Monthly Progress Report and Schedule of Values
 - Revised Construction Schedule
 - Certification of as-built drawings
 - Contractor's Quality Control (CQC) Daily reports submitted to date
 - Test log up to date
 - Deficiency log up to date
 - Submittal control document up to date
 - Submittal file up to date
 - Stored material up to date
 - Insurance certification
 - City inspections
 - Monthly photo log update
 - Ensure there is documentation of all DBE activities and that each invoice submittal includes:
 - Verification of subcontractor presence and work on-site.
 - Completion of the Fort Bend County Contractor Payment Report.

Compliance

The Construction Manager shall be responsible for ensuring all aspects of the project adhere to the guidelines and regulations of FTA and TXDOT necessary to guarantee continued funding.

- Generate monthly site visit reports describing general events, problems, and unusual events.
- Take appropriate photographs that document construction progress and conformity with Contract Documents.
 - Progress of work
 - Unusual construction techniques
 - Accidents or damage
 - Unsafe or hazardous working conditions
 - Reinforcing steel prior to concrete placement
 - Work completed prior to being covered
 - Areas or activities where claims and/or changes are anticipated
- Investigate and report differing site conditions within one (1) business day
- Conduct inspections of the construction as follows:
 - Periodically inspect for progress, workmanship, and conformance with the Contract Documents.
 - Coordinate and track all County testing.
 - Review special inspection and material testing report verifying conformance with the Contract Documents.
 - When work is found to be in non-conformance, document the deficiencies, and promptly provide notification of the deficiencies to the Architect, County, and Construction GC.
 - Verify that deficiencies have been corrected and/or approved by the applicable party.
 - Issue inspection deficiency list to the Architect, County, and Construction GC within two (2) business days.
 - Conduct inspections and track deficiencies through correction.
- Monitor contractor's compliance with contract technical specifications related to environmental compliance, soil erosion, sediment control, and water pollution.
- Ensure documentation of all labor laws to include:
 - Verification of Davis-Bacon Act (subcontractor fee and pay rate schedule).
<https://www.dol.gov/whd/regs/statutes/dbra.pdf>
 - Verification of Contract Work-Hours and Safety Standards Act.
[https://www.dol.gov/whd/regs/statutes/safe01 .pdf](https://www.dol.gov/whd/regs/statutes/safe01.pdf)
 - Verification of the Copeland Anti-Kickback Act.
<https://www.dol.gov/whd/regs/statutes/copeland.htm>
- Ensure ongoing compliance with NEPA requirements:
<https://www.epa.gov/nepa>
- Ensure all Buy America requirements are met and properly documented throughout the course of the project.
<https://www.transit.dot.gov/regulations-and-guidance/buy-america/buy-america>
- Ensure the project adheres to all applicable FTA Regulations and Guidance.
<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars>
- Ensure all appropriate TXDOT construction forms are completed and submitted on time.

[http://www.txdot.gov/inside-tx dot/forms-publications/consultants-](http://www.txdot.gov/inside-tx-dot/forms-publications/consultants-)

Construction

The Construction Manager shall serve as the on-site representative for the County ensuring day to day activities are conducted in accordance with the GC contract.

- Coordinate construction logistics between the Construction GC and the County.
- Assure contractor's design, manufacturing, and construction are accomplished in accordance with the contract. Provide Quality Assurance.
- Personally observe major assemblies placed into construction for general compliance to contract documents and supplemental instructions from the Architect. Support the quality assurance efforts of the Inspector(s).
- Ensure that appropriate materials and equipment testing are completed on time.
- Review and analyze proposed change orders and make recommendations to County.
- Coordinate preparation of the punch-list and implement corrective work.
- Recommend conditional and final acceptance.
- Coordinate the turnover of all construction-related work.
- Issue stop orders to contractor whenever necessary.
- Observe contractor performance and ensure:
 - Progress coincides with reported progress.
 - The contractor is appropriately supervising the performance of work.
 - The contractor is implementing a Quality Control Program.
 - The contractor is confining operations to areas permitted by the contract.
 - The contractor is adequately protecting existing site conditions.
 - The contractor is maintaining good housekeeping practices.
- Ensure Contractor has an established and appropriate accident prevention program.
- Ensure auditable documentation of changes and accuracy of contract drawings.
- Ensure quantity, quality, acceptability, manner of work, and rate of progress of work achieved by the Contractor.
- Monitor utility work performed, the quality of utility work performed, and handle communications with the utility company.
- Monitor storage of all products brought on-site by contractor and sub-contractors.
- Ensure all appropriate federal and state required notifications are posted on site.
- Monitor location limit marks, baselines, grades, and all items in connection with layout and control work in the specifications.

Contract Administration

The Construction Manager will ensure the General Contractor (GC) adheres to the terms and conditions set forth in the contract between Fort Bend County and the GC and that the project is completed on time and within budget.

- Maintain thorough knowledge of the plans and specifications.
- Establish and maintain communication protocol between the County, Architect, and Construction General Contractor (GC).
- Review and process Construction GC submittals and contract modifications.
- Track submittals as required through completion of the process.
- Review requests for information (RFI) and architect's supplemental instructions (ASI).
- Review Construction GC schedule of values/cost breakdown and construction schedule and recommend approval/changes and disapproval.

- Assess and evaluate pricing on all change order requests taking the lead in negotiating fair and equitable resolutions and managing schedule impacts.
- Monitor overall budget and schedule and advise the County of any trends that affect the timely procedures and cost-effective completion of the Project.
- Attend, arrange, and conduct a variety of meetings, as requested by the County.
- Facilitate resolution of disagreements with the contractor within the scope of the contract.
- Forward all disagreements which cannot be resolved.
- Responsible for monitoring, verifying, and arranging for physical completion of the contract and effecting the transfer of the contract documentation to appropriate follow-on operations and storage (punch-list and final inspection).
- Ensure all aspects of the project adhere to FTA Civil Rights/ADA regulations and guidance: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/civil-rightsada>

Safety & Security Monitoring

The Construction Manager shall be responsible for monitoring Contract's development and management of overall project-wide safety and security and reporting the status of such to County.

- Responsible for advising County and Monitoring the development, implementation, administration, enforcement, and coordination of construction safety policies and security requirements to be inclusive of statutory and regulatory programs and requirements.
- Document necessary protocol for equipment security, inspections, daily inspections, operations, motor vehicle operations, fall protection, scaffolding systems, and reporting. Should also include safety guidelines for authority tours, special events, and non-compliance.
- Ensure that a job-site Safety Bulletin Board is established and maintained to include all legally required postings and relevant safety posters/information.
- Address the implementation of acceptable policies, work practices, and standards to promote the goals of the safety and security program.
- Address existing federal, state, and local statutory and regulatory safety and health laws, standards, codes, regulations, etc.
- Monitor and maintain visitors log to record visitors to the site.
- Monitor contractor's application of safety and accident prevention procedures and policies.
- Assist in investigating accidents, taking corrective action, and filing claims.
- Hold weekly safety meetings.
- Ensure workers have proper protective equipment and tools.
- Ensure safe practices and conditions; report and correct unsafe conditions.
- Ensure appropriate first-aid; medical treatment is provided and administered to injured employees and direct stoppage of construction activities when stoppage is warranted for protection of life and/or property.

Closeout Phase Services

The Construction Manager will work with Fort Bend County staff to transition responsibility and maintenance of the new facility to the County's control upon substantial completion of all contract specifications.

- Complete/resolve all punch list items.

- Assist with resolution of outstanding change/claim disputes and final quantities delivered.
- Assist with the determination/recovery of liquidated damages.
- Assist with the review of the insurance claim filed by counsel/insurance specialist to determine if funds need to be withheld from the final payment to cover any unsettled claims against the contractor.
- Assist with cost audit and resolution of questioned costs (if any) for cost-reimbursement contracts.
- Ensure settlement of all subcontracts by the prime contractor.
- Generate a Contractor Performance Report.
- Ensure necessary documentation is provided to County for FTA grant close-out.
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/C_5010_1D_Grant_Management_Requirements_2012_Page_Changes_8-27-2012.pdf
- Coordinate final inspection and acceptance testing by the Project Sponsor with proper documentation.
- Ensure Contractor forward red-lined record plans for as-built drawings.
- Verify all Project Record Documents are turned over to County and complete. To include:
 - Final reports
 - Final payroll records and wage rate certifications
 - Spare parts list
 - Catalogs and brochures
 - Invention disclosure (if applicable)
 - Property report
 - Final invoice
 - Consent of surety to release final payment to General Contractor
 - General Contractor's affidavit of the release of liens
 - General Contractor's general release (releasing the County from any further liabilities/claims under the contract)
 - Maintenance Bond (if required)
- Verify all O&M Manuals are complete and turned over to County.
- Ensure staff has received all necessary training for operation of new building and systems.
- Verify all warranties and guarantees are submitted and in accordance with Contract Documents.
- Maintain a presence, provide support, follow up, and track completion on warranty requests.
- Assure all other commissioning activities have been completed in a satisfactory manner. Additional resources to assist with compliance and federal project planning can be found at:
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Construction_Project_Management_Handbook_2016.pdf
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Project_and_Construction_Mgmt_Guidelines_2016.pdf