

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

FIRST AMENDMENT TO AGREEMENT FOR DESIGN/BUILD SERVICES
 EMS MEDIC 1 FACILITY

THIS FIRST AMENDMENT to the AGREEMENT for Design/Build Services is made and entered into by and between Fort Bend County, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as "County," and Bass Construction Company, Inc., hereinafter referred to as "DESIGN-BUILDER," authorized to conduct business in the State of Texas.

RECITALS

WHEREAS, County and DESIGN-BUILDER entered an agreement for the Project, Agreement for Design/Build Services dated October 13, 2009, (collectively, the "Agreement"), attached hereto as Exhibit B, incorporated by reference as if set forth herein verbatim for all purposes; and

WHEREAS, DESIGN-BUILDER has submitted a revised cost estimate for design of the Project and a Guaranteed Maximum Price (hereinafter referred to as "GMP") for construction of the Project as detailed in DESIGN-BUILDER'S proposal dated November 12, 2009, attached hereto as Exhibit A, incorporated by reference as if set forth herein verbatim for all purposes.

NOW, THEREFORE, in consideration of the foregoing, the Agreement between County and DESIGN-BUILDER is hereby amended to as follows:

1. Section 5.01 of the Agreement is amended as follows:

Section 5.01 For and in consideration of the services rendered by DESIGN-BUILDER, and subject to the limit of appropriation, the County shall pay to DESIGN-BUILDER an amount not to exceed \$2,094,660. DESIGN-BUILDER's compensation shall be allocated as follows:

A. Design:	\$153,000.00
B. Construction:	\$1,941,660.00

2. Section 8 of the Agreement is amended as follows:

8.01 Prior to the execution of this Agreement, DESIGN-BUILDER was advised by County, and DESIGN-BUILDER clearly understands and agrees, such understanding and agreement being of the absolute essence to this contract, that County shall have available the total maximum sum of \$2,094,660 specifically allocated to fully discharge any and all liabilities, including construction costs, which may be incurred by County in bringing this Work to an absolute conclusion, and that the total of any and all basic construction costs, costs of

providing the required furnishing and equipment, all fees and compensation of any sort to DESIGN-BUILDER, and any and all costs for any and all things or purposes enuring under or out of this Agreement, irrespective of the nature thereof, shall not exceed said specifically allocated sum, notwithstanding any word, statement or thing contained in or inferred from the preceding provision of this Agreement which might in any light by any person be interpreted to the contrary.

8.02 DESIGN-BUILDER does further understand and agree, said understanding and agreement also being of the absolute essence of this contract, that the total maximum compensation that DESIGN-BUILDER may become entitled to hereunder and the total maximum sum that County shall become liable to pay DESIGN-BUILDER hereunder shall not under any conditions, circumstances or interpretations thereof exceed the sum of \$2,094,660.

3. No additional funding shall be available for services provided under the Agreement without prior written consent of the Fort Bend County Commissioners Court.
4. Except as modified herein, the Agreement remains in full force and effect and has not been modified or amended.
5. If there is a conflict between this First Amendment and the Agreement, the provisions of this First Amendment shall prevail.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

EXECUTION

County executes this First Amendment by and through the County Judge acting pursuant to authorization of the Commissioners' Court of Fort Bend County, Texas.

This Agreement shall not become effective until executed by County.

FORT BEND COUNTY:

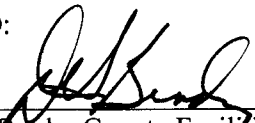
By: 
Robert E. Hebert, County Judge

Date: 11-24-09

ATTEST:


Dianne Wilson, County Clerk

REVIEWED:

By: 
Don Brady, County Facilities
Management & Planning Director

Date: 11/19/09

BASS CONSTRUCTION COMPANY, INC. (DESIGN-BUILDER)


Bob W. Bass, President

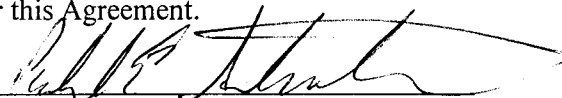
Date: 11-18-09

Exhibit A: November 12, 2009 proposal from DESIGN-BUILDER

Exhibit B: Agreement for Design/Build Services – EMS Medic 1 Facility

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$2,094,660.00 to pay the obligation of Fort Bend County under this Agreement.


Ed Sturdivant, County Auditor

MER:Bass.DBA.EMS Medic 1-1stAmendment.3864(11182009)

EXHIBIT A



November 12, 2009

Fort Bend County
Mr. Don Brady
1402 Band Road, Suite 100
Rosenberg, TX 77471

RE: Proposal for the Fort Bend County Medic 1 Facility – Rev 2

- Firm price to do the Design work
- *GMP* Price for the Construction work

Dear Mr. Brady:

Please find below our *GMP* price for your new Fort Bend County Medic 1 Facility. Pricing is based on a 14,078 sf building per the following *drawings, specification book titled Ft. Bend County Medic 1 Facility (dated 11/3/09), and Addenda 1, 2, and 3.*

Kelly R. Kaluza and Associates, Inc Drawings

- | | |
|--------------------------------------|--|
| - C-0 Topo Survey – 11/3/09 | - C-1 Paving, Grading & Drainage 11/3/09 |
| - C-2 Utility Plan – 11/3/09 | - C-3 Stormwater Control Plan 11/3/09 |
| - C-4 Construction Details - 11/3/09 | - C-5 Construction Details – 11/3/09 |

SCA Engineers

- | | |
|-------------------------------------|------------------------------------|
| - S1.1 Foundation Plan – 11/3/09 | -S2.1 Mezz Flr Fram Plan - 11/3/09 |
| - S3.1 Foundation Details – 11/3/09 | -S3.2 Foundation Details – 11/3/09 |
| - S4.1 Framing Details – 11/3/09 | -S5.1 Foundation Details – 11/3/09 |
| - S5.2 General Notes – 11/3/09 | |

HBL Architect Drawings

- | | |
|--------------------------------------|-----------------------------------|
| - Cover – Permit & Construct 11/3/09 | - G1.01 – Accessibility – 11/3/09 |
| - A1.01 – Site Plan – 11/3/09 | - A2.01 – Floor Plan – 11/3/09 |
| - A2.02 – RCP – 11/3/09 | - A2.03 – Finish Plan – 11/5/09 |
| - A2.04 – Roof Plan – 11/3/09 | - A2.05 – Plans – 11/3/09 |
| - A2.06 – Mezz Floor Plan 11/3/09 | - A3.01 – Schedules – 11/3/09 |
| - A3.02 – Details – 11/3/09 | - A3.03 – Schedules – 11/3/09 |
| - A3.11 – Partitions – 11/3/09 | |
| - A4.01 – Ext. Elevations – 11/3/09 | - A5.01 – Sections – 11/3/09 |
| - A5.11 – Wall Sections – 11/3/09 | - A5.12 – Wall Sections – 11/3/09 |
| - A5.13 – Wall Sections – 11/3/09 | - A6.01 – Plan Details – 11/3/09 |
| - A7.01 – Interior Elev – 11/3/09 | -A8.01 – Millwork – 11/3/09 |

Henderson Engineers Drawings

- | | |
|--|--|
| - E0.01 Legend – 11/3/09 | - E1.01 – Siteplan – 11/3/09 |
| - E2.01 – Lighting Plan – 11/3/09 | - E3.01 – Power Plan – 11/3/09 |
| - E4.01 – Special Sys Plan – 11/3/09 | - E5.01 – Schedules & Riser – 11/3/09 |
| - E5.02 – Schedule & Details – 11/3/09 | - E6.01 – Specs – 11/3/09 |
| - E6.02 – Specs – 11/3/09 | - E6.03 – Specs – 11/3/09 |
| | |
| - M1.01 – Mechanical Plans – 11/3/09 | - M2.01 – Mechanical Details – 11/3/09 |
| - M3.01 – Mechanical Schs – 11/3/09 | - M4.01 – Specs – 11/3/09 |
| - M5.01 – Specs – 11/3/09 | |
| | |
| - P1.01 – Legend & Schedule – 11/3/09 | - P2.00A – Sanitary & Vent – 11/3/09 |
| - P2.00 B – Water & Gas – 11/3/09 | |
| - P2.01A – Sanitary Vent – 11/3/09 | - P2.01B – Sanitary Vent – 11/3/09 |
| - P2.02A – Water & Gas – 11/3/09 | - P2.02B – Plumbing Plan – 11/3/09 |
| - P3.01 – Details – 11/3/09 | - P3.02 – Details – 11/3/09 |
| - P4.01 – Specs – 11/3/09 | - P4.02 – Specs 11/3/09 |
| - P5.01 – Specs – 11/3/09 | |

Geotechnical Report for Medic 1 Facility by Paradigm, dated October, 2009

We have also attached a comparison matrix of the Precinct One, Tax Office and Gus George buildings for your convenience.

DESIGN WORK

All labor and material required to complete all civil, structural, architectural, mechanical, electrical, plumbing design work and rendering.

Total Design Cost = \$153,000

CONSTRUCTION GMP

- Gen Conds** All labor, material, equipment to support a full time, on-site superintendent, a part-time project manager in the home office, jobsite trailer, temporary toilets / water / electricity, building permit / plan check fee, insurance, performance and payment bond, and "as built" documents. We have based our general conditions on an 8 month construction schedule (from receipt of building permit).
- Sitework** All labor, material, and equipment for general site cut / fill, building pad, SWPPP, culvert pipe, sanitary sewer system, domestic water, fire water system, concrete approaches, concrete parking lot / curbs / sidewalks, parking lot stripes and accessories, fencing, *hydromulch* and a landscape / irrigation allowance. Also includes demolition of wash canopy and slab behind existing facility.

Concrete	All labor, material, and equipment for a 14,078 sf building slab on grade with drilled piers. Price also includes concrete footings around emergency generator and A/C units.
Masonry	All labor, material, and equipment to install full height brick on all exterior walls except the expandable end wall. An 8' high CMU / brick wall will be built around the Emergency Generator and a 4' high CMU / brick wall will be built around the HVAC units. Interior walls around the restroom wet areas are also made of CMU.
Steel	All labor, material, and equipment to install pipe bollards, lintels, mezzanine handrail and mezzanine stairs.
Carpentry	All labor, material, and equipment to install wall blocking, other rough carpentry items, and bathroom / break-room countertops and cabinets. Mezzanine floors <i>are</i> plywood. FRP has been <i>included at</i> the Custodial Room. Two each workbenches have been included. Cabinets and countertops are to be constructed of plastic laminate.
Thermal	All labor, material, and equipment to install 9 1/2" R-30 fiberglass insulation in the roof and 6" fiberglass insulation in exterior metal stud walls. Dampproofing is included behind full height brick walls.
Doors and Windows	All labor, material, and equipment to install doors, frames, windows, and associated hardware as shown on referenced drawings. Windows are hurricane / impact resistant. To be impact resistant, rollup doors cannot have glass.
Finishes	All labor, material, and equipment to install metal studs / drywall, tape / float / finish, and paint. Floor, wall, and ceiling finishes are based on above referenced drawings. Walls of Mechanical Mezzanine will extend to bottom of deck. Framing for flat soffit at eave overhang is included.
Specialties	All labor, material, and equipment to install toilet partitions, and accessories, <i>visual display boards are included as an allowance</i> , signage & dedication plaque allowance, and 4 each fire extinguishers and cabinets. Cast Stone Texas State medallion is included as an allowance. <i>Mini blinds have been deleted since they are not shown on the drawings or in the specs.</i>
Equipment	All labor, material, and equipment to install 1 each washing machine, dryer, range, hood with fire suppression system, disposer, ice maker / bin, and dishwasher. Includes an allowance for a projector and screen. Louvers are included per referenced drawings. <i>Wire storage shelves are included per referenced spec and drawings.</i>

Special Pre-Engineered building to have a 4:12 roof slope with R30 insulation and Butler type VSR standing seam roof. Building to be designed for 120 mph wind load, straight columns, and "R" panels on the expandable endwall. Price includes a roof cupola with louvers for ventilation above the mechanical mezzanine. Price includes framed openings designed for 120 mph wind load.

Mechanical All labor, material, and equipment to install a wet fire sprinkler system, plumbing, mud / oil separator and HVAC system. Price includes A/C in the Storage Rooms #144 and 145.

Electrical All labor, material, and equipment to install the electrical and fire alarm systems. Includes 1 each 230 kw Kohler Diesel Generator with transfer switch and 474 gallon fuel tank. Includes an allowance for an Access Control / Security system *and ceiling fans*.

Allowances	- Building Permit / Plan Check Fee	\$ 7,590
	- <i>Landscaping / Irrigation</i>	<i>\$10,000</i>
	- Cast Stone TX State Medallion	\$ 2,500
	- Projector / Screen	\$ 2,500
	- <i>Visual Display Boards</i>	<i>\$ 1,500</i>
	- Access Control / Security	\$20,000
	- Owner's Contingency	\$50,000
	- <i>Ceiling Fans</i>	<i>\$ 1,200</i>

	Total Construction GMP	\$1,941,660	\$137.92/ sf
	Total Design Cost	<u>\$ 153,000</u>	<u>\$ 10.87/ sf</u>
Total Design Cost and Construction GMP		\$2,094,660	\$148.79/ sf

Exclusions

- 1) Data Cabling System
- 2) Demolition of Fuel Canopy, Fuel System, / associated concrete behind existing facility, *and portable buildings*.
- 3) *Refrigerators*
- 4) *Mini Blinds*
- 5) *Impact Fees*
- 6) *Asphalt Topping on Band Road*
- 7) *Earthwork on west side of existing and new buildings.*

Disclaimers - Our price can be held for 60 days.

We look forward to working with you on this project. Please let us know if you have any questions or need additional information.

Thanks,
Dave Oliver
Bass Construction

First Amendment to A
Bass Construction Co.
EMS Medic 1 Facility
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