

AIA® Document G802® – 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*
Upshur County Courthouse Renovation
Gilmer, Texas

AGREEMENT INFORMATION:
Date: 2 March 2010

AMENDMENT INFORMATION:
Amendment Number: 001
Date: 28 February 2023

OWNER: *(name and address)*
The Honorable Todd Tefteller, County
Judge
Upshur County
100 W. Tyler Street
Gilmer, Texas 75644

ARCHITECT: *(name and address)*
Komatsu Architecture, Inc.
3880 Hulen Street, Suite 300
Fort Worth, Texas 76107

The Owner and Architect amend the Agreement as follows:
AE fee adjustment from original agreement per attached letter dated February 28, 2023

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

Additional fees of \$541,889.00 for progression of 95% documents to completion and bid set and Construction Administration services during the Construction process.

Schedule Adjustment:

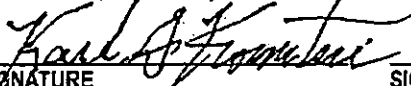


3-15-2023

SIGNATURES:

Komatsu Architecture, Inc.
ARCHITECT *(Firm name)*

Upshur County, Texas
OWNER *(Firm name)*



SIGNATURE
Karl A. Komatsu, President, Komatsu
Architecture

SIGNATURE
Honorable Todd Tefteller,, County
Judge

PRINTED NAME AND TITLE

PRINTED NAME AND TITLE

28 February 2023

DATE

DATE



KOMATSU
ARCHITECTURE

February 28, 2023

The Honorable Todd Tefteller, County Judge
Upshur County
100 Tyler Street
Gilmer, TX 75644-2240

RE: Plans and Specifications Completion Fees

Dear Judge Tefteller:

This letter is to request an Architectural and Engineering (AE) fee adjustment from the original AIA B101-2007 agreement between Upshur County and Komatsu Architecture, dated August 10, 2010 and as now updated to the THC Grant XII formula. We propose to reflect this adjustment as an additional item under the AIA Document G802-2017 Amendment to the Professional Services Agreement. The Funding Agreement submitted to THC would not change nor reflect this non-grant allocation increase. The Total Compensation amount will include this amended additional fee total as \$541,889.00.

EXPLANATION

The THC's guidance for AE fees provided for a fixed, lump sum fee of \$537,486.00 representing 75% of the total fees (16% of Construction Cost as allowed by THC) through 95% of the Construction Document (Plans and Specifications) portion, for the work completed in 2010-2011. The 4% (25% of the 16% THC allowed fee) is what we are now about to perform to reach 100% complete Construction Documents. The remaining 20% (of the 4%) is allocated to the Construction Administration services once the Contractor is selected. It is this 4% amount that is being requested to adjust with additional supplemental fees for the following reasons:

1. At the time of the August 10, 2010 contract, the THC Grant Round VI Construction Estimate was based on the Funding Agreement, that has been revised per the THC Grant XII documents applicable now. The new Funding agreement reflects the updated portion of our fee (95% through Construction Administration. We were to proceed to 95% Completion documents to submit to the THC for future grant round funding, finally resulting in the Round XII grant award
2. The THC Grant Round XII Funding Agreement is based on a Total Allowable Construction Cost of \$12,839,122.33 and Ineligible Cost of \$69,633.00. 4% of the Total Allowable Cost for AE Fees is \$491,889.00 for the continuance of this contract, plus \$50,000 for Additional Professional Services as part of the Funding Agreement (total \$541,889.00). The last page of the Project Cost in the Funding Agreement is attached.
3. Re-start fees for the AE team includes Komatsu, our Consultants (MEP, Civil, Structural). This reflects 12 plus years passage since the documents were prepared, code changes since that time, and county staff changes and needs requiring revisions from the 95% set.



KOMATSU
ARCHITECTURE

February 28, 2023
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We appreciate your understanding of some costs that are influenced by yet to be determined factors. The project contingency is included in the overall budget and with County authorization may be applied to some of these unanticipated costs; the County may also wish to determine whether to have a separate Owner's contingency for changes – new equipment, additional furnishings, etc.

Thank you for your consideration of this adjustment request.

Respectfully,

Karl A. Komatsu
President

KOMATSU ARCHITECTURE
LABOR COSTS & BILLING RATES
Effective October 1 2022 to September 30 2023
ATTACHMENT

POSITION	LABOR COST*		BILLING RATE	
Project Management	Range		Range	
Vice President, Principal	\$93.75	\$135.00	\$225.00	\$300.00
Proj Manager; Project Director	\$78.25	\$87.50	\$173.22	\$216.72
Proj Architect I	\$73.00	\$75.25	\$162.00	\$167.00
Project Coordinator Level				
Architect II	\$65.25	\$68.50	\$144.75	\$152.00
Senior Technical I	\$58.00	\$61.25	\$128.75	\$135.98
Technical Staff Level				
Drafter II	\$49.25	\$53.50	\$109.34	\$118.75
Drafter III	\$40.75	\$45.00	\$90.50	\$100.00
Tech Spec Support	\$34.75	\$37.25	\$77.00	\$82.75
Project Specialist Level				
Estimator	\$85.00		\$190.00	\$0.00
LEED Mgt Prog Mgr	\$69.50		\$154.00	\$0.00
Interior Designer	\$65.25		\$144.75	\$0.00
Facility Mgt Data Coord	\$36.00		\$80.00	\$0.00
Space Planner	\$32.50		\$72.00	\$0.00
Construction Administrator	\$68.50		\$152.00	\$0.00
Construction Field Observor	\$58.00		\$128.75	\$0.00
Quality Control Reviewer	\$73.00		\$162.00	\$0.00

*Labor rates are Salary/Hr plus mandatory Payroll and Benefit Additives

Scope of Work
For the Upshur County Courthouse Restoration Project

Scope of Services

Architectural/Engineering services: The County's project architect, Komatsu Architecture, will provide comprehensive professional services associated with the Contract Bidding, Negotiation and Construction Administration phases. Also included in the scope of services are final revisions to the construction documents to address comments by the County and the THC, including revisions to the original program for the building. Additional architectural services, called out in the Contract between the Architect and the Owner, include preparation of the THCPP grant completion report. The Project Architect will coordinate and provide all documentation required by the grant manual.

Construction services: The County shall select a qualified construction contractor or construction manager to execute the work in conformance with the plans and specifications approved by the THC and as reflected in the Contract between the County and Contractor. The Contractor will coordinate and provide all documentation required by the grant manual.

Per the Master Plan, the recommended period of significance is the original completion date of 1937. With the preponderance of extant historic materials together with the largely unchanged Art Deco style of the Courthouse recommends this time period. As grant funds have now been approved, the Courthouse will now be restored to this time.

Project Philosophy and Description of Work

The primary philosophy of this project is full restoration of the courthouse.

Site Work

1. Concrete flatwork including pedestrian walks is a mixture of historic areas together with new flatwork installed during the Site Drainage and Roof Repairs Emergency Grant Project. Areas of the remaining historic walks will need to be replaced due to deterioration.
2. The site will be the area for three separate geothermal (ground source heat pump) well fields with a fourth field located across Jefferson Street to the north. The existing mechanical system water cooling tower and sump will be demolished.
3. The parking around the periphery of the square is to be maintained.
4. The Site Drainage and Roof Repairs Emergency Grant Project involved the excavation of the basement level foundation wall, waterproofing of that wall and the installation of a footing French drain system. Additionally, the roof drainage downspouts were all tied into a sub-grade drainage system directed to daylight outfall at the northeast and northwest corners of the property. The downspout on the immediate east side of the north entry offset does not appear to be properly directed into the drainage pipe system. This downspout will overflow at the top of the boot when a heavy rain occurs. This condition will be corrected during construction while this area is excavated for installation of new geothermal system well piping, fire line and FDC line.
5. The north entry steps are exhibiting a phenomenon where calcium carbonate is seeping from cracks in the steps and hardening on the surface. The supposition is that the attempts during the Site Drainage and Roofing Repair Emergency Grant project to isolate the underside of these steps with a retaining wall at the east end of the French drain systems adjacent to the east end of the north entry steps assemblies together with a similar effect owing to the new accessible ramp the basement on the west end of the steps is essentially trapping moisture under the north steps. The west end of the area under these steps could not be protected by a retaining

- replacements. Colors in accordance with conservation report.
22. Installation of new metal handrails compliant with TAS requirements.
 23. New lightning arresting system as deemed necessary.
 24. Restoration of exterior steps at Main Entrances with new terrazzo steps system to match that at the porch areas.
 25. Replication of missing historic torchiere lamps at exterior entrances.
 26. Restoration and repair of original clocks.
 27. Restore metal letter signage.

Interior Restoration

1. Removal of all non-historic interior partitions, doors, windows, ceilings, flooring, finishes, lighting, plumbing, and HVAC.
2. Removal of selected concrete slabs and raised concrete slabs on all levels.
3. Removal of existing elevator, hoistway, and equipment.
4. Removal of all plumbing fixtures as indicated at second floor and single user restrooms. Restored first floor restroom to be maintained.
5. Complete removal of fifth floor jail complex.
6. Removal of water damaged plaster walls and ceilings.
7. Restoration of plaster wall surfaces including patching at duct and conduit penetrations.
8. Installation of new historically compatible interior partitions, doors, and lighting.
9. Installation of new modernized toilet rooms at second floor and single user restrooms only. Restored first floor restroom to be maintained.
10. Infill of non-historic openings.
11. Installation of new elevator, hoistway, pit, and penthouse.
12. Installation of replicated open stair servicing the first through fifth floors at west half of building.
13. Installation of stairway servicing the fifth floor from the fourth floor as an extension of the existing and original open stair.
14. Installation of replicated plaster Courtroom Ceiling.
15. Replication of original Commissioners Court configuration and location.
16. Repair/Replacement of terrazzo flooring in main corridors.
17. Restoration of all stone wainscot.
18. Repair of existing historic light fixtures
19. Replication of missing historic light fixtures
20. Reopening and restoration of the Courtroom balcony space with replication of balcony seating and finishes.
21. Restoration and repair of all historic furniture and millwork.

At this time, the functions anticipated to remain in the restored courthouse include:

First Floor

- Fire Marshall
- Maintenance
- County Extension Office
- County Auditor's Office
- Misdemeanor Community Supervision office
- IT office
- Storage

Project Schedule
 For the Upshur County Courthouse Restoration Project

Construction and Construction Administration for the Restoration of the Upshur County Courthouse

Overall Timeline:

Grant and construction documentation preparation: May 2022-Feb 2023
 Contractor Solicitation and Negotiation: Oct/Nov 2022
 Construction: Mar 2023 – Jan 2025 (22 months)

Date	Action	Notes
Aug. 18, 2022	Virtual Grant Orientation Meeting for Upshur County	
Sept, 01, 2022	Provide proposed Scope of Work (B), Project Schedule (C), Cost Estimate (D) to Upshur County and THC	Commissioners Court Meeting
Sept. 07, 2022	Provide contract for services to Upshur County for review	
Oct. 07, 2022	Finalize contract for architectural services.	Commissioners Court Meeting
Oct-Nov 2022	Solicit Contractor proposals; Contractor selection; Notice to proceed	
Oct 2022-Feb 2023	Finalize documents; issue full restoration construction package	
Mar 2023	Pre-Construction Meeting	
Mar-Apr 2023	Contractor to begin work	
Mar 2023 – Jan 2025	Construction phase (22 months)	
	Project reaches Substantial Completion	
Feb 2025	Completion Report draft submitted	
Mar 2025	Final reimbursement request and Completion Report copies submitted.	
To be determined	Rededication celebration	

Architecture/Engineering Services = \$ 491,889.00
 (fees of the architect and the structural, MEP and civil engineers, including all reimbursable expenses shall not exceed 16 percent of Subtotal C. For projects having 95 percent complete plans and specifications, these fees will not exceed 4 percent of C)

Additional Professional Services= \$ 50,000.00
 (preparation of grant completion report, warranty services and speciality consultants for archeology, acoustics, audio-visual systems, security systems and / or historic finishes itemized)

Total Professional Services = \$541,889.00
 (Subtotal D)

Total (Allowable Project Costs =
 (Subtotal C + Subtotal D)

<u>\$12,839,122.33</u>

Gross square footage = \$ 29,826.00 sf
 Conditioned square footage of courthouse including wall thicknesses + square footage of covered porches x 50%)

Cost per square foot = \$430.47

We require that any professional architect's or estimator's cost estimates that have been prepared for this project are attached to this form.

GRANT X - FUNDING AGREEMENT AWARD CALCULATION

Total Allowable Project Costs	\$ 12,839,123.00	
County Match	\$ (7,620,760.00)	
Grant Funds Awarded		<u>\$5,218,363.00</u>

Attachment A
Source of Funds Statement and Verification
Upshur County

Source of Funds Statement and Verification


A grant award of \$5,218,363 was made by the Texas Historical Commission on July 26, 2022 for Round XII of the Texas Historical Courthouse Preservation Program, 2022-2023 biennium for the Preservation of the Upshur County Courthouse as described in the Scope of Work, Attachment "C" (Project).

Therefore, the source of funds for this Project shall be:

(State share) =	\$5,218,363*
(Minimum local share to receive full grant) =	\$7,620,760
Estimated total project cost =	\$12,839,123

*The state share of the project represents approximately 41% of the total project cost as stated in the Project Cost Estimate, Attachment "B". This percentage will be used for reimbursement.

As a legal representative of this County, I do verify that the County's required matching funds are available, either in ready cash, loans or other grant awards. I further understand that the total project cost has been estimated at the figure above and stated in Attachment "B" and that any costs which exceed this amount will be contributed by the County as necessary to accomplish the Scope of Work stated in Attachment "C."



Signature
Todd Tefteller, Upshur County Judge 3-14-2023
3-14-2023

Date