

THE STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

PROFESSIONAL SERVICES AGREEMENT
C-12-140-05-29

THIS AGREEMENT is made effective the 29th day of May, 2012 by and between HIDALGO COUNTY, TEXAS, (“County”) Precinct No. 4 and Raba Kistner Consultants, Inc. of McAllen, Texas (“Laboratory”).

WITNESSETH:

WHEREAS, the County is vested with the responsibility of providing “Professional Laboratory Services” “Construction Materials Testing” for the “Design and Construction of a New Multi Purpose Facility/Mechanical Shop” at Hidalgo County Precinct No. 4 (the “Services”);

WHEREAS, the County has determined that the services of a professional laboratory company is necessary to carry out the required Services;

WHEREAS, pursuant to Texas Government Code Chapter 2254.002, (the “Texas Professional Services Procurement Act”), the County requested Statements of Qualifications (SOQ’s) from a professional laboratory to assist the County by providing the Services;

WHEREAS, County has selected the Laboratory to provide the Services within Hidalgo County Precinct No. 4, in accordance to Exhibit “A-1” Request for Qualifications (RFQ) Procurement Packet.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, County and Laboratory do mutually agree as follows:

1. **Scope of Services.** The County will provide to Laboratory the services described in Exhibit “A” attached hereto and entitled “Services to be performed by County.” Laboratory agrees to provide to County with the work described in Exhibit “B”, “Services to be performed by the Laboratory”.

2. **Term.** This Agreement is effective **May 29, 2012**, and will expire **May 28, 2013** or upon completion of the project, unless sooner terminated as provided herein. The Laboratory

immediate action taken, or contemplated, and any Owner or other agency or entity assistance needed to resolve the situation: and

- b. favorable developments or events which enable meeting the Work Schedule goals sooner than anticipated.

10. Independent Contractor. Laboratory must comply with all applicable Hidalgo County policies and with any applicable federal, state or local laws, regulations, orders or ordinances applicable to the Services provided by Laboratory under this Agreement. Notwithstanding the foregoing sentence, Laboratory represents and maintains that it is an Independent Contractor and is not an employee of Hidalgo County, Texas or any agency thereof, and represents and warrants that it does not desire or request any fringe benefits provided to employees of Hidalgo County, Texas, and/or any agency thereof, including, but not limited to benefits associated with Hidalgo County's civil service program. Laboratory agrees to be responsible for any federal income tax, withholding or social security tax liability that might arise from payments received hereunder.

11. Subcontracting and Assignment. The Laboratory shall not assign subconsultant or transfer the Laboratory's interest in this Agreement without the prior written consent of the County. The Laboratory shall bind every subconsultant by written agreement to observe all the terms of this Agreement to the extent that they may be applicable to each subconsultant. No subcontractor relieves the Laboratory of any responsibilities under this Agreement.

12. Voluntary Termination. County may terminate this Agreement at any time for any reason or no reason at all upon giving thirty (30) days prior written notice to the Laboratory.

13. Insurance. Laboratory agrees to provide liability insurance covering its activities in providing the Services for County in an amount not less than the minimum amounts prescribed by the Texas Tort Claims Act, §100.001, et seq., Texas Civil Practices and Remedies Code, and shall furnish County a certificate issued by the insurer that such insurance is in full force and effect.

14. Payment of Franchise Tax. The Laboratory hereby certifies that the Laboratory is not delinquent in Texas franchise tax payments, or that the Laboratory is exempt from, or not subject to, such tax. A false statement concerning corporation's franchise tax status shall constitute grounds for termination of the Agreement at the sole option of the County.

EXECUTED as of the day and year first written above.

COUNTY:
COUNTY OF HIDALGO, TEXAS

By: Ramon Garcia
Hon. Ramon Garcia, County Judge

Approved by Commissioners' Court
on 5-29-12 JV

LABORATORY:
RABA KISTNER CONSULTANTS, INC.

By: Martin Villa

Printed Name: Martin Villa
MV 6/15/12

Title: P.E., F. ASCE/Senior VP

ATTEST:

Arturo Guajardo Jr.
Arturo Guajardo Jr., County Clerk

Approved by Commissioners' Court on: May 29, 2012

APPROVED AS TO FORM:

Atlas & Hall, L.L.P.

By: Stephen L. Crain
Stephen L. Crain, Attorney

ATTACHMENTS:

- EXHIBIT A -Scope of Services to be provided by the County
- EXHIBIT B -Scope of Services to be provided by the Laboratory
- EXHIBIT C -Laboratory's Rates
- EXHIBIT D -Work Authorization Form
- EXHIBIT E -Supplemental Agreement Form
- EXHIBIT F -Certificates of Insurance

APPROVED

AI-32403

Purchasing Department

18. B. 2.

CC REGULAR

Meeting Date: 05/29/2012

Department Head: Martha L Salazar

Submitted By: Letty Saenz, PURCHASING DEPT.

Department: PURCHASING DEPT.

Information

CAPTION



Requesting approval of a "professional engineering services" agreement with RABA KISTNER CONSULTING, INC. for the provisos of "Construction Material Testing" in connection to a job specific project: "NEW MULTI PURPOSE FACILITY at PRECINCT NO. 4".

BACKGROUND

Prof Engineering Services Agreement-Raba Kistner Consulting, Inc. (job specific)-Pct 4

Fiscal Impact

FISCAL YEAR: 2012

ACCT. #: 2-1342-431-00-124-078-0-720

FUNDS AVAILABLE Y/N?:

MATCHING FUNDS Y/N?:

BUDGETARY IMPACT:

Available balance as of 5-24-12 \$79,799.25

Attachments

email approval as to form by legal

C-12-140-05-29-Raba Kistner Consulting Inc-Pct 4(job specific)

Form Review

Inbox	Reviewed By	Date
Purchasing Department	Marty Salazar	05/24/2012 12:46 PM
Budget & Management	Merlen P. Munoz	05/24/2012 01:03 PM
Manuel Chapa	Manuel Chapa	05/24/2012 04:32 PM
Auditor's Office	Monica Badillo	05/25/2012 03:31 PM
Form Started By: Letty Saenz		Started On: 05/16/2012 02:59 PM
	Final Approval Date: 05/25/2012	



**AGENDA
 CC REGULAR
 HIDALGO COUNTY
 COMMISSIONERS COURT
 MEETING
 May 29, 2012
 9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held at Edinburg Council Chambers, 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

1. ✓ **Roll Call** - *all except Guentonilla (not present)*
2. ✓ **Pledge of Allegiance**
3. ✓ **Prayer**
4. ✓ **Approval of Consent Agenda** - *no concerns*
5. **Executive Officer - Valde Guerra:**
 - A.
 1. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024(A) (4) "a Professional Service" for the "provision of legal services/representation in connection with litigation."
 2. Requesting engagement with the firm of _____ for the "Provision of Legal Services/Representation in connection with Litigation"
 - B. **AI-32442** *approved* Requesting approval of claim/invoice from City of Edinburg in the amount of \$22,708.80 for the months of October 2011 thru March 2012 through PO #675044 and \$3,784.80 for April 2012 in connection with rental of the council chambers with authority for the County Treasurer to issue payment/check after review, audit, and processing procedures are completed by the County Auditor.
 - C. **AI-32512** *approved* Texas AgriLife Extension:
 - ① Requesting permission for Christina L. Perez to travel to Lubbock, Texas to attend the 2012 Texas 4-H Round-up on June 10-15, 2012
 - ② Requesting permission for Barbara Storz to travel to Corpus Christi, Texas

Approved

B. Approval of 2012 appropriation of funds into Precinct #4 Drainage Improvement Project (program 036) in the amount of \$47,131.22 (Labor Reimbursements - January & February 2012).

18. Purchasing Department - Marty Salazar:

Notes:

A. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE AVAILABLE ON THE COUNTY INTRA-NET WEBSITE AND WILL BE FOWARDED VIA E-MAIL, FAX OR HAND DELIVERED TO HIDALGO COUNTY AUDITOR'S OFFICE.

B. ANY AND ALL REQUESTS FOR PAYMENT(S) APPROVED WILL BE SUBJECT TO COUNTY AUDITORS PROCESSING PROCEDURES INCLUDING AUTHORITY FOR COUNTY TREASURER TO ISSUE PAYMENT(S)/CHECK(S).

A. Hidalgo County

- 1. Presentation for acceptance and approval of Current inter-local(s) and/or contract(s) for the "Housing of Inmates"**
- 2. Presentation for discussion, consideration and action**
Including, but not limited to, the following items in connection with New Adult Detention Center:
 - a) Detention Facility Law Enforcement Center Design- Build Contract with including action regarding Landmark Application for payment, final punch list and release of retainage
 - b) Construction of additional pod(s)
 - c) Selection and engagement of an architect for the construction of additional pods
- 3. Presentation for discussion, consideration and action (if necessary) including, but not limited to the following:**
 - a) Renovations of administration building
 - b) Other ongoing county owned building construction, renovation repair projects
 - c) Emergency situations occurring since last agenda meeting

B. Pct. 4

- 1. AI-32325 A. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024 (A) (4) a professional service;**

B. Presentation of scoring grid (for the purpose of ranking by CC) of the firms graded and evaluated through the County's approved "pool" of Engineering Services Providers as required by Precinct No. 4 ,

Evaluators	Dos Logistics, Inc	Quintanilla, Headley and Associates	SAMES Engineering
Evaluator 1	99	95	94
Ranked	1	2	3

C. Authority for the Purchasing Department to negotiate a professional (Engineering Services) contract with the No. 1 ranked firm of Dos Logistics, Inc for: the provision of professional services ("On Call") and on as needed basis by Hidalgo County Precinct #4.

2. AI-32403 Requesting approval of a "professional engineering services" agreement with RABA KISTNER CONSULTING, INC. for the provisios of "Construction Material Testing" in connection to a job specific project:"NEW MULTI PURPOSE FACILITY at PRECINCT NO. 4".

Concepcion
Approved
Dulley
Construction

APPROVED

C. Colonia Access Program Pct. 3

1. AI-32350 Recommendation by project engineer Javier Hinojosa Engineering to Hidalgo County Commissioners Court to award to lowest bidder meeting all specifications: GP7 Construction, LLC in the amount of \$163,402.20 for Bid No. CAP-12-090-04-11-YSI "Road & Drainage Construction for La Homa Road Subdivision."

Approved

2. AI-32374 a. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024 (A) (4) a professional (construction material testing) service;

Approved

b. Presentation of scoring grid (for purpose of ranking by CC) of the firms graded and evaluated through the County's approved "pool" of Construction Material Testing in connection with Pct 3 Round III-B BCAP Projects.

Firm	L & G Engineering Laboratory	EarthCo	Terracon
Evaluator 1	94	67	86
Ranking	1	3	2

c. Authority for the Purchasing Department to negotiate a professional (Construction Material Testing) contract with the No. 1 ranked firm of L & G Eng. for the provision of construction material testing services for Pct 3 Round III-B BCAP Projects (Ramirez,