

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

AMENDMENT No.1

**AGREEMENT BETWEEN THE COUNTY OF HIDALGO
and goERO INTERNATIONAL, LLC d/b/a ERO ARCHTECTS
for**

**(Design and Construction of a New Mechanic Shop for Hidalgo County Precinct 4)
C-19-304-12-17**

This **AMENDMENT** (the “Amendment”), dated the **19th** day of **MAY, 2020**, is between **ERO ARCHITECTS**, a Texas corporation (the “Architect”), and **HIDALGO COUNTY, TEXAS** (the “Owner”), and amends the Agreement (as such term is defined below).

WHEREAS, Architect and Owner executed that certain Agreement made as of the 17th day of December, 2019, in which the Architect agreed to provide professional services for the Owner’s project for the Design and Construction of a New Mechanic Shop for Hidalgo County Precinct 4 (the “Project”) located at 1051 North Doolittle Road, Edinburg, Texas 78542 (the “Agreement”);

WHEREAS, the Architect and Owner have agreed to amend the Agreement as set forth herein to (i) modify the scope of services being provided by the Architect pursuant to the Agreement as indicated in the attached amended Scope of Services in order to address the need for additional Basic Services (as defined in the Agreement) being provided pursuant to the Agreement and (ii) make related changes, including increasing the compensation to the Architect.

NOW THEREFORE, for and in consideration of the terms and provisions set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Architect hereby agree as follows:

1. **Amendments.** The AIA Document B101-2017 Standard Form of Agreement Between Owner and Architect (the “B101”) of the Agreement is amended as follows:
 - a. Exhibit A (Scope of Work) of the Agreement is amended by including at the end thereof Exhibit A-1 dated May 15, 2020, which is attached hereto as Exhibit I and made a part of the Agreement. References in the Agreement to “Exhibit A-1” shall be deemed to be to the Exhibit A-1 attached hereto as Exhibit I and references in the Agreement to “Exhibit A” shall be deemed to be to Exhibit A” as amended hereby to include such Exhibit A-1.

b. Section 1.1.3 of the Agreement is deleted and replaced with the following:

§ 1.1.3 The Owner's budget for the Cost of the Work, as defined in Section 6.1:
(Provide total and, if known, a line item breakdown.)

\$(2,181,331.00). (See Exhibit A and Exhibit A-1).

c. Section 11.1 of the Agreement is deleted and replaced with the following:

§ 11.1 For the Architect's Basic Services described under Article 3, the Owner shall compensate the Architect as follows:

.2 Percentage Basis
(Insert percentage value)

(Paragraphs deleted)

Six and Fifteen Percent (**6.15 %**) of the aggregate amount and not to exceed
**Two Million-One Hundred Eighty One Thousand-Three Hundred and
Thirty One Dollars and Zero Cents (\$2,181,331.00).**

2. **Ratification.** Except as modified herein, all terms and conditions of the Agreement, as amended by this Amendment, remain in full force and effect, and Architect and Owner ratify and confirm the terms and provisions of the Agreement, as amended by this Amendment.

[SIGNATURE PAGE FOLLOWS]

EXECUTED IN DUPLICATE ORIGINALS and effective as of the day and year first written above.

goERO INTERNATIONAL, LLC
d/b/a **ERO ARCHTECTS**

By: _____
Eli Ochoa, PE, AIA Managing Partner and CEO

COUNTY OF HIDALGO

By: _____
Richard Cortez, County Judge

ATTEST:

By: _____
Arturo Guajardo Jr., County Clerk

APPROVED AS TO FORM:
Office of the Criminal District Attorney
Ricardo Rodriguez, Jr.

By: _____
Robert Viña III, Assistant District Attorney

EXHIBIT I
TO
AMENDMENT No. 1
TO
AGREEMENT BETWEEN THE COUNTY OF HIDALGO
AND goERO INTERNATIONAL, LLC d/b/a ERO ARCHTECTS
(Design and Construction of a New Mechanic Shop
for Hidalgo County Precinct 4)
C-19-304-12-17

EXHIBIT A-1
CONTINUATION OF SCOPE OF WORK
(Becomes part of Exhibit D of Agreement)



EXHIBIT A-1

HC PCT 4 Amendment Letter

May 15, 2020

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May 15, 2020

Commissioner Ellie Torres
Hidalgo County, Precinct 4
1051 N. Doolittle Rd.
Edinburg, Texas 78542

Re: New Mechanical Shop at Precinct 4

Dear Commissioner Torres:

ERO Architects is pleased to provide this proposal for the new Precinct 4 Mechanical Shop. The following includes the revised Probable Cost of the Work, Amended Services and Alternates. The basis of this proposal is the AIA B101 – 2017 Owner and Architect Agreement approved by the Hidalgo County Commissioners' Court on December 17, 2019.

Cost of the Work, Amended Services and Alternates

- A. Increase Probable Cost of the Work from the original amount of \$1.1M (original cost of work) to \$2.181M.
- B. Alternate for vehicle wash bay (1,730 SF).
- C. Alternate for mechanical shop crane (3 Ton).

Adjustment to Basis of Compensation

1. Compensation is based on a fee of 6.15% of Probable Cost of the Work as approved by Hidalgo County Precinct 4 in the ERO AIA owner-architect agreement.
2. The revised Probable Cost of the Work increased due to changes in scope for additional function needs and site civil costs, plus the additional increases of contingencies and cost of construction escalation. The probable cost of the work is now two million and one hundred seventy-three thousand and ninety-six dollars (estimated at \$2,181,331) and consists of the following:
 - a. Revised Probable Cost of the Work for the mechanical shop building is estimated at one million seven hundred eight thousand two hundred thirty-five dollars (\$1,708,235) included some larger additions:
 - 1) \$105,000.00; Oil pit and supporting infrastructure
 - 2) \$61,200.00; Increased length of overhang structure
 - 3) \$22,067.50; Addition of two offices and infrastructure
 - 4) \$32,002.00; Shower at restroom including added finishes and infrastructure
 - 5) \$16,500.50; Storage mezzanine platform at storage parts room
 - 6) \$6,800.20; Overhead Door to the West and supporting frame
 - 7) \$58,310.00; Additional spill grilles and supporting infrastructure

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- 8) \$60,000.00; Vehicle wash bay and supporting infrastructure
- 9) \$75,000.00; Mechanic Shop Crane and supporting infrastructure
- 10) \$34,950.42; 8% for General Conditions for cost difference
- 11) \$4,718.31; 1% for Bonds for cost difference
- 12) \$20,253.33; 4.25% for Overhead Fee for cost difference
- 13) \$49,680.23; 10% for Schematic Design Contingency for cost difference
- 14) \$27,324.12; 5% for Owner contingency for cost difference
- 15) \$34,428.40; 6% escalation increase for cost difference

(Note: Items mentioned above are listed in the attached Probable Cost of Construction for Hidalgo County Precinct 4 Maintenance Shop, Project Based on a Projected Roof Area document.)

- b. In addition, an estimated civil scope of work of four hundred seventy-three thousand ninety-six dollars (\$473,096) has been added and consists of the following (does not include the civil design engineering by HCDD1):

- 1) \$42,628.00; Site Preparation
- 2) \$245,089.00; Site Improvements
- 3) \$47,254.00; Civil Utilities
- 4) \$26,798.00; 8% General Conditions for cost difference
- 5) \$3,618.00; 1% Bonds for cost difference
- 6) \$15,429.00; 4.25% Overhead Fee for cost difference
- 7) \$38,091.00; 10% Schematic Design Contingency for cost difference
- 8) \$19,046.00; 5% Owner contingency for cost difference
- 9) \$35,044.00; 6% escalation increase for cost difference

(Note: Items mentioned above are listed in the attached Probable Cost of Construction for Hidalgo County Precinct 4 Maintenance Shop, Site Improvements document.)

3. Compensation will be adjusted to the new Probable Cost of the Work of \$2,181,331 beginning with the Design Development Phase and as stipulated for each phase going forward under Article § 11.5 of the AIA B101 – 2017 Owner and Architect Agreement. The total compensation for ERO, at 6.15%, is \$114,029.07. This amount reflects 85% for the remainder of the Agreement (Schematic Design Phase is already completed and paid). It is broken down by each Phase as follows:

Design Development Phase (20%) - \$26,830.37
Construction Phase (40%) - \$53,660.74
Procurement Phase (5%) - \$6,707.59
Construction Phase (18%) - \$24,147.33 (includes site improvements)

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Project Close-out Warranty Phase (2%) - \$2,683.04

If acceptable, please sign and return one copy of this proposal to ERO Architects and then the final Amendment to our Agreement. Thank you!

Respectfully submitted,

Brian Godinez
Principal
ERO Architects

HC Precinct 4 Commissioner Ellie Torres

Date

- Encl: A. 1295 Form Revised
- B. Revised Probable Cost of Construction for Hidalgo County Precinct 4 Maintenance Shop.
- C. Probable Cost of Construction for Hidalgo County Precinct 4 Maintenance Shop, Site Improvements.
- D. Floor plan and site plan for the revised \$2.1M cost of work