



BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS

Requested Board Meeting Date: 5/5/15

or Procurement Director Award ☐

Contractor/Vendor Name (DBA): TMCx Solutions, LLC

Project Title/Description:

Independent Third Party Commissioning Agent Services: Downtown Court Complex

Purpose:

Amendment #04, Contract #CT-FM-07042021-P. This amendment is required to amend the scope of services to reflect increase in services, to extend the contract term to July 31, 2015, and to increase the contract amount by \$31,540.00

Procurement Method:

Pursuant to RFQ 0700968, this contract was originally awarded by the Board of Supervisors on March 01, 2007 for a three year term in a total contract amount of \$767,600.00. An amendment was issued on January 1, 2011, extending the Contract term through December 31, 2013. A second amendment was issued on December 6, 2011 reducing the scope of work and contract amount by \$560,49.35. A third amendment was issued on January 1, 2014 extending the Contract term through March 31, 2015.

Program Goals/Predicted Outcomes:

This amendment will complete the systems commissioning effort for this project. With the redesign of half of the building from court rooms to office use, the commissioning effort changed resulting in an increase of services.

Public Benefit:

The project will be completed on a timely basis allowing the various tenants to occupy the building.

Metrics Available to Measure Performance:

Final commissioning services will be scheduled and monitored by Facilities Management.

Retroactive:

Yes, the construction schedule increased slightly because of the redesign over the last couple years. The contract expiration date was inadvertently overlooked.

To: COB- 4-23-15 (1)

Addendum

Ver. 14

Vendor - 1 Pgs. - 4

Procure Dept 04/22/15 PM 12:17

CT-FM-07042021-P

Original Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
Effective Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____
☐ Expense Amount: \$ _____ ☐ Revenue Amount: \$ _____
Funding Source(s): _____

Cost to Pima County General Fund: 0

Contract is fully or partially funded with Federal Funds? ☐ Yes ☐ No ☐ Not Applicable to Grant Awards
Were insurance or indemnity clauses modified? ☐ Yes ☐ No ☐ Not Applicable to Grant Awards
Vendor is using a Social Security Number? ☐ Yes ☐ No ☐ Not Applicable to Grant Awards
If Yes, attach the required form per Administrative Procedure 22-73.

Amendment Information

Document Type: CT Department Code: FM Contract Number (i.e., 15-123): 07042021-P
Amendment No.: 4 AMS Version No.: 14
Effective Date: 03/31/15 New Termination Date: 07/31/15
☒ Expense ☐ Revenue ☐ Increase ☐ Decrease Amount This Amendment: \$31,540.00
Funding Source(s): Certificates of Participation

Cost to Pima County General Fund: _____

Contact: Ana Wilber

Department: Procurement *L. H. Rodriguez 4/20/15* Telephone: 520-724-8166

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: *Jon Burke 4-21-15*

County Administrator Signature/Date:
(Required for Board Agenda/Addendum Items)

C. J. Mulberry 4/21/15

PIMA COUNTY FACILITIES MANAGEMENT DEPARTMENT

PROJECT: Independent Third Party Commissioning Agent
Services: Downtown Court Complex

CONSULTANT: TMCx Solutions, LLC
5575 S. Durango Drive, Suite 102
Las Vegas, NV 89113

CONTRACT NO.: CT-FM-07042021-P

AMENDMENT NO.: Four (4)

FUNDING: Certificates of Participation

CONTRACT

NO. CT-FM-07042021-P

AMENDMENT NO. 04

This number must appear on all
invoices, correspondence and
documents pertaining to this
contract.

CONTRACT TERM: 03/01/07 to 12/31/10	ORIGINAL CONTRACT AMOUNT:	\$	767,600.00
TERMINATION PRIOR AMENDMENT: 03/31/15	PRIOR AMENDMENT(S):	\$	(560,349.85)
TERMINATION THIS AMENDMENT: 07/31/2015	AMOUNT THIS AMENDMENT:	\$	31,540.00
	REVISED CONTRACT AMOUNT:	\$	238,790.15

CONTRACT AMENDMENT

WHEREAS, COUNTY and CONSULTANT have entered into the Contract referenced above; and

WHEREAS, contrary to the intent of both Parties the Contract was allowed to expire; and

WHEREAS, the Parties have continued to perform as through the Contract were still valid; and

WHEREAS, COUNTY and CONSULTANT, pursuant to Article I-Term and Extension/Renewal/Changes, have agreed to extend the Contract to the anticipated construction completion date of services; and.

WHEREAS, the COUNTY and CONSULTANT have agreed to amend the Scope of Services to reflect the increase in services; and

WHEREAS, the COUNTY and CONSULTANT, pursuant to Article III Compensation and Payment have agreed to increase the Contract amount to allow for payment of added services

NOW, THEREFORE, it is agreed as follows:

1. **CHANGE** the first sentence of Article I- Term and Extension/Renewal/Changes as follows:

From: "...and shall terminate on March 31, 2015..."

To: "...and shall terminate on July 31, 2015..."

2. **ADD** the attached Exhibit A-2 Commission Engineering Consulting Services (1 page) to Exhibit A: Scope of Services.

3. **CHANGE** the first paragraph of Article III- COMPENSATION AND PAYMENT as follows:

From: "In consideration of the services specified in this Contract, the COUNTY agrees to pay CONSULTANT for services provided between years 2007 and 2008 in accordance with Exhibit "B" Consultant Fee Basis & Schedule of Values" and for negotiated services to be provided under Exhibit "B-1" Professional Engineering Services Proposal dates September 22, 2011 (1 page)."

To: "In consideration of the services specified in this Contract, the COUNTY agrees to pay CONSULTANT for modified services in accordance with Exhibit "B-2" Professional Services Proposal – Building Commissioning dated March 31, 2015 (1 page)."

This Amendment shall be effective on March 31, 2015.

All other provisions of the Contract, not specifically changed by this Amendment, shall remain in effect and be binding upon the parties.

IN WITNESS WHEREOF, the parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

Sharon Bronson, Chair, Board of Supervisors

Date

ATTEST:

Robin Brigode, Clerk of the Board

CONSULTANT:

Signature

Name and Title (Please Print)

Date

APPROVED AS TO FORM:

Tobin Rosen, Deputy County Attorney

Date

EXHIBIT "A-2"

COMMISSIONING-ENGINEERING-CONSULTING SERVICES FEE MODIFICATION PROPOSAL

Date: Rev. March 31, 2015
Project: Pima County Courthouse
To: Pima County
Attn: Dave Erickson

TMCx Solutions, LLC is pleased to present our proposal for the following modification to our Consulting services for the referenced project.

SCOPE-OF-WORK:

1. Removal of the infrared survey of the electrical panels.
2. Since our original proposal dated 9/22/2011, there have been multiple revisions to the design documentation, resulting in additional hours to review the revisions and verify scope impact. We have had four (4) iterations of revisions that have been reviewed.
3. In conjunction with item 2, the net impact of the design iterations has resulted in the addition of forty (40) fire/smoke dampers. These additions require modification to the testing procedures and additional hours for field verification.
4. Multiple site visits over the course of December associated with the failed testing of the smoke control system. Four weeks prior to scheduled testing leading up to confirm system readiness, the contractors were asked to pre-test these systems during weekly commissioning meetings. On multiple occasions, all contractors had stated that systems were pre-tested and were ready for our verification. Upon testing by TMCx personnel, issues were identified that indicated that the systems were not properly pre-tested per the design scenarios, e.g., fire/smoke dampers not monitored, incomplete/missing wiring, incorrect initiation of AHUs from the smoke control panel, etc. As a result, TMCx recommended that further testing be postponed until adequate pre-testing and system readiness could be confirmed by the Contractor. We were directed by the County to proceed with testing. Upon further testing, we encountered the same issues and incomplete work as originally found. In order to comply with NFPA 909 requirements, the smoke control system must be re-tested, in its entirety. Therefore, this request is associated with the hours and expenses used for the initial testing.
5. Upon further discussion with the County, GLHN, and AON, further design changes will be required in order for the installed system to comply with the Fire Protection Report (FPR). This request does not include any changes or re-tests associated with the changes to the FPR. Upon receipt of the revised FPR, TMCx will review and submit additional requests accordingly.

EXHIBIT "B-2"

Professional Services Proposal – Building Commissioning, March 15, 2015

FEE:

1. Deducts

a. Removal of Infrared Survey (20 hrs x \$160/hr) <\$3,200.00>

TOTAL DEDUCTS:..... <\$3,200.00

2. Adds

a. Design Revision Reviews (80 hrs x \$160/hr):.....\$12,800.00

b. Additional Smoke/Fire Dampers (40 hrs / \$160/hr)\$6,400.00

c. Smoke Control Testing Delays (84 hrs x \$160/hr):.....\$13,440.00

d. Expenses:\$2,100.00

TOTAL ADDS:\$34,740.00

NET CHANGE:\$31,540.00

CLARIFICATIONS AND EXCLUSIONS:

1. Test plan and scenarios associated with the pending revisions to the Fire Protection Report. TMCx reserves the right to submit an additional request upon review of the FPR.

PROPOSAL ACCEPTANCE:

This proposal shall become binding, subject to the terms and conditions of the base contract, when accepted by the Client through written acknowledgment, or by commencement of the work, furnishing of any documents, payments for services by Client or acceptance of payment by the Firm.