

**AMENDMENT NO. 1 TO AGREEMENT BETWEEN
OWNER AND CONSTRUCTION MANAGER**

Pursuant to Paragraph 2.2 of the Agreement, dated Jan. 10, 2010 between Tom Green County, Texas (*Owner*) and Templeton Construction Co. (*Construction Manager*), for the Tom Green County Courthouse Repairs and Upgrades (*the Project*), the Owner and Construction Manager establish a Guaranteed Maximum Price and Contract Time for the Work as set forth below.

ARTICLE I

GUARANTEED MAXIMUM PRICE

The Construction Manager's Guaranteed Maximum Price for the **PHASE 1 – Exterior Building and SiteWork**, including the estimated Cost of the Work as defined in Article 6 and the Construction Manager's Fee as defined in Article 5, is **NINE HUNDRED NINETY EIGHT THOUSAND, SEVEN HUNDRED FIFTY SEVEN** dollars (**\$ 998,757.00**).

This Price is for the performance of the Work for **PHASE 1 PROPOSAL PACKAGES** (see CMAR-3) in accordance with the Contract Documents listed and attached to this Amendment and marked Exhibits A through F, as follows:

- Exhibit A Drawings, Specifications, Addenda and General, Supplementary and other Conditions of the Contract on which the Guaranteed Maximum Price is based, dated March 24, 2010.
- Exhibit B Allowance Items dated March 24, 2010
- Exhibit C Assumptions and clarifications made in preparing the Guaranteed Maximum Price dated March 24, 2010
- Exhibit D Completion Schedule dated March 24, 2010
- Exhibit E Alternate prices dated March 24, 2010
- Exhibit F Cost Breakdown dated March 24, 2010

ARTICLE II

CONTRACT TIME

The date of Substantial Completion established by this Amendment is: (See Exhibit D)

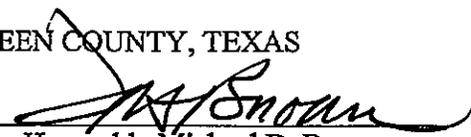
OWNER:

CONSTRUCTION MANAGER:

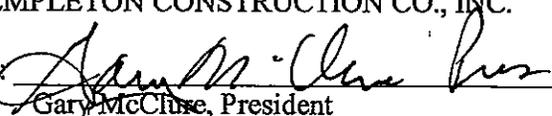
TOM GREEN COUNTY, TEXAS

TEMPLETON CONSTRUCTION CO., INC.

By: _____


The Honorable Michael D. Brown
Tom Green County Judge, in his official
capacity and not individually

By: _____


Gary McClure, President

Date: _____

APR 21 2010

Date: _____

4-20-10

**Tom Green County Courthouse
Amendment 1
Phase 1 Proposal Packages
Dated March 24, 2010**

Exhibit A

DRAWINGS, SPECIFICATIONS, ADDENDA, BIDDING DOCUMENTS

BID DOCUMENTS

CMAR-1, CMAR-2, CMAR-3, CMAR-4, CMAR-5 DATED JANUARY 15, 2010

SPECIFICATIONS

**FAÇADE EVALUATION AND REPAIR DESIGN FROM SPARKS
ENGINEERING DATED SEPTEMBER 9, 2009**

See Attachment A – Closing Section of Report with Specification Sections

DRAWINGS

DATED JULY 22, 2009 FROM BURNS ARCHITECTURE, INC.:

A0.1, A0.2, A3.1, A5.1

DATED SEPTEMBER 9, 2009 FROM SPARKS ENGINEERING, INC.:

S1.0, S1.1

DATED AUGUST 26, 2008 AND APRIL 6, 2009 FROM SKG ENGINEERING:

C0.1 (8/26/08) STS1 & STS2 (4/6/09)

**TOM GREEN COUNTY COURTHOUSE - PHASE I
ATTACHMENT A - SPECIFICATIONS**

*Tom Green County Courthouse
Façade Evaluation and Repair Design*

*September 9, 2009
Page 5*

CLOSING

This report and our repair recommendations are based on our review of the available documents, visual field observations of typical façade conditions, limited measurements of representative elements, and limited exploration and testing. We looked for signs of significant structural distress, such as excessive cracking, deformation and visible deterioration.

Our recommendations are based on the observed conditions and test results at the time of the field assessment. Other conditions may exist, or develop over time, which were not found during the survey. Care should be implemented during restoration to identify worsening of conditions or additional areas of distress.

Please contact our office with any questions regarding this report.

Sincerely,

SPARKS ENGINEERING, INC.
TEXAS REGISTERED ENGINEERING FIRM F-00515


S. Patrick Sparks, P.E.
Principal Engineer




Rick Miles, P.E.
Senior Engineer

Attachments:

Photographic Condition Survey
Petrographic Report by DRP Consulting, Inc., dated August 26, 2009
Project Specifications
Section 04500 Exterior Masonry Cleaning
Section 04720 Cast Stone
Section 04724 Cast Stone Repair
Section 07600 Flashing and Sheet Metal
Section 07180 Water Repellents
Section 07900 Joint Sealants

cc: Gary McClure (Gary@templetonconstruction.com)

**Tom Green County Courthouse
Amendment 1
Phase 1 Proposal Packages
Dated March 24, 2010**

Exhibit B

ALLOWANCES

These are the allowances to be included to the scope of work as part of this Amendment. Each will be utilized as they pertain to this Amendment and the Proposal Packages related to and to be executed in this Amendment.

1. A \$20,000 allowance for fences and barricades has been included for protection of the site throughout the project.
2. A \$21,599 allowance has been included to repair existing sod and sprinklers damaged during construction.

**Tom Green County Courthouse
Amendment 1
Phase 1 Proposal Packages
Dated March 24, 2010**

Exhibit C

ASSUMPTIONS AND CLARIFICATIONS

These are the assumptions and clarifications to be included to the scope of work as part of this Amendment. Each will be utilized as they pertain to this Amendment and the Proposal Packages related to and to be executed in this Amendment.

1. No building permit has been included in our cost.
2. No testing has been included in our price (to be paid separately by owner (reference spec section 01410).
3. Our cost for scheduling in the General Conditions is based on a bar chart only.
4. The following Phase 1 proposal packages will be performed by Templeton Construction: #2. (Reference Exhibit F.)
5. Our guaranteed maximum price includes a 5% contingency.
6. Work will be scheduled to allow court to continue during the length of the project. The hours of operation were described in Item 6.5 of CMAR-2.
7. No interior work has been included. The scope of work included in this amendment is based on the proposal packages outlined in CMAR-3 only and is based on the exterior work shown on the plan sheets listed as part of this amendment.
8. The basement waterproofing is based on using BASF HLM 5000 Waterproofing System along with a BASF Standard 10 year materials warranty. This product has been approved by the engineer.
9. Waterproofing installation is based installing sheet metal flashing a maximum of 2" deep for the entire length of the wall. No removal or replacement of windows or stone has been included for this application. This method has been approved by the engineer.
10. No hazardous materials testing or abatement has been included.
11. Per the architect's clarification, A.P.I. range minimum of 25-30 is acceptable for the backfill at the waterproofing area. Existing clays are okay for backfilling utilizing the select clay at only the upper 2 or 3 feet. The site clay has too many limestone nodules to serve as a cap near the surface.
12. Pricing is based on the application of Prosoco 40H to cast stone surfaces and Prosoco Weather Seal Siloxane PD to the brick surfaces. The specs were unclear on this item.
13. The lead coated copper flashing at the parapet wall will have lock seam installation in lieu of solder joints.
14. All damaged concrete walks and concrete will be replaced along with a new mow strip to be installed after work to be performed is completed in those areas.
15. All work shown on the drawings in this phase meets all the requirements required by the Texas Historical Commission. (See comments and correspondence in Attachment B.)

TOM GREEN COUNTY COURTHOUSE - PHASE 1
ATTACHMENT B
HISTORICAL COMMISSION CORRESPONDENCE

TEXAS HISTORICAL COMMISSION
real places telling real stories

February 9, 2010

The Honorable Mike Brown
Tom Green County Judge
112 W. Beauregard
San Augustine, TX 76903

Re: Tom Green County Courthouse (NR) - Proposed Repairs and Upgrades, San Angelo, Tom Green County, Texas

Dear Judge Brown,

We received a letter on January 12, 2010 from your contractor Templeton Construction Co., Inc. which included plans and specifications for the proposed Repairs and Upgrades to the historic Tom Green County Courthouse, as required under the Protection of County Courthouses Law, Section 442.008 of the Texas Government Code (TGC).

In accordance with TGC Sec. 442.008, the THC is by this letter officially noting to the county that the Tom Green County Courthouse has historical significance worthy of preservation. Therefore, in accordance with our duties as proscribed by the code, THC staff have reviewed the plans and specifications and have the following comments/concerns:

1. The concrete apron around the base of the building appears to be historic. The plans call for its removal and for the installation of a basement waterproofing system, but do not appear to call for a new apron matching historic to be reconstructed. - *The historic apron should be reconstructed to match original.* If the engineers feel however that this concrete apron would be detrimental to the function of the basement waterproofing system, a gravel apron matching the dimensions and color of the historic concrete apron may be substituted. [A0.2]
2. Basement corridor A144 historically extended all of the way to the wall of storage room A141. An existing non-historic modification truncated this corridor adjacent to the stairway. As this is an existing condition, there is no requirement to return this hallway to its original length; however, some consideration should be given to restoring this hallway to its full extent now, as this would be necessary in a future full restoration of the building's historic public spaces. - *The preferred course of action would be to arrange the restrooms so that this hallway can be restored to its historic volume now, so that additional revisions to these restrooms will not be needed during a future full restoration of the building.* [A1.1]
3. The existing doorway to men's room A143 is in its historic position. The proposed plans call for this door to be removed and for a new door to be created several feet to the south. As noted above, this hallway would be restored to its original configuration in a future full restoration of courthouse's public spaces, requiring that the proposed work be reversed. - *THC strongly recommends that the interior configuration of the restrooms be arranged so that relocation of this historic door is not necessary. Barring that, it is acceptable to the THC that the existing historic door remain in place (where it will provide convenient maintenance access to the pipe/mechanical chase) and the new door be created as shown.* (It should be noted that the electrical plan PE-2 already calls for a



light fixture and switch to be in this pipe/mechanical chase, implying access, so perhaps the intent was to retain the historic doorway all along?) [A1.1]

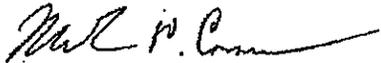
4. Detail 3 shows the new cap flashing and waterproof membrane passing under the parapet cap stones. – *Is this flashing to be lead coated copper as noted for the flashing in other details? Also, how are the cap stones to be secured through this? – Shouldn't they be pinned to the structure below?* [S1.1]
5. Visible areas of non-historic flashing should be kept to a minimum. In particular, the extent of visible flashing at the drip edge immediately below the parapet cap and along the front edge of the cornice should be minimized. – *Please provide dimensions to the contractor for the minimum allowable exposed drip edges.*
6. *Nailing to the face of the masonry units (to hold the flashing) should be avoided if at all possible. Necessary anchor points should be made in the mortar joints.* Experience has shown that face anchoring masonry units is very likely to cause damage to the historic masonry and is generally no more durable than anchoring into well maintained mortar joints.
7. Paint colors should be selected to match historic (*preferred*) or existing (*acceptable*), keeping in mind that historically correct colors will be necessary in a later future full restoration of the building. On the interior, no *existing* historic clear finished (i.e. varnish, shellac, stain & etc.) wood should be painted. All *new* wood elements in non-historic locations *should* be painted.

Thank you for submitting the proposed project for our review in accordance with TGC Sec. 442.008. The county has complied with the code-required review requirements and may proceed with the work described in the reviewed plans and specifications, and in accordance with our above comments and concerns.

As you are aware, the Texas Historical Commission oversees the Texas Historic Courthouse Preservation Program (THCPP) on behalf of the state. It is recommended, should additional work be needed, that Tom Green County consider applying for grant assistance during future rounds of the Courthouse Program.

If you have any questions or concerns regarding our review, please contact me, Mark Cowan, at (512) 475-3285 or via email at mark.cowan@thc.state.tx.us.

Sincerely,



Mark D. Cowan
Project Reviewer
Texas Historic Courthouse Preservation Program
Texas Historical Commission

cc: Marty Skaggs, Templeton Construction Co., Inc.
Kenny Burns, AIA – Burns Architecture
Golda M. Foster, Tom Green County Historical Commission Chairperson

TEMPLETON
CONSTRUCTION

March 18, 2010

Mark D. Cowan
Texas Historical Commission
P O Box 12276
Austin, Texas 78711-2276

RE: Tom Green County Courthouse -- Response to Historical Commission's Comments

Mr. Cowan,

In response to your letter to Judge Brown dated February 9, 2010, we are providing the following revisions to the project for your review and comment or acceptance. We have attached the Spark's Engineering's response to your February 9th letter as part of our response. Please see those items below:

Item 1: The project requirements will include the cost of replacing the apron as recommended by Sparks Engineering. A pourable sealant will act as the waterstop as mentioned by the engineer.

Items 2 and 3. These issues are under review by the Architect and owner for further comment with the Historical Commission at a future point. No work is anticipated inside of the building in this first phase.

Item 4. See attached comment on this item from the engineer. No additional work is required by the engineer at this point. We believe the comments from the Historical Commission are satisfied by the engineer's response.

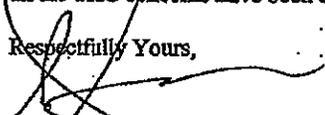
Item 5. We believe the Commission's concern is adequately covered by the engineer's response to this item that is attached. No further modifications are necessary.

Item 6. We believe the Commission's concern is adequately covered by the engineer's response and no further modifications are necessary.

Item 7. As was stated in Items 2 & 3 above, no painting is taking place at this time. These issues are under review by the Architect and owner for further comment with the Historical Commission at a future point.

We would request a prompt response with any additional changes required or a letter stating that the changes below meet your requirements and that work may commence. We are asking for an expedited review time because bids are running low on acceptability time along with the fact that we don't want to move forward with a presentation for acceptance to the County for the exterior work without knowing that all the THC concerns have been correctly addressed. Thank you.

Respectfully Yours,


Marty Skaggs - Estimator
Templeton Construction Co, Inc.

Cc: Kenny Burns, AIA -- Burns Architecture

521 West Beauregard • San Angelo, Texas 76903 / P. O. Box 3405 • San Angelo, Texas 76902
Office 325-653-6904 • Fax 325-658-2472 • www.templetonconstruction.com

SINCE 1927

SPARKS ENGINEERING, INC.

STRUCTURAL EVALUATION, DESIGN AND TESTING

February 16, 2010

The Honorable Mike Brown
Tom Green County Judge
112 W. Beauregard
San Angelo, Texas 76903

Sent via email to Marty Skaggs (Marty@templetonconstruction.com)

2 pages

SUBJECT: Structural Response to Texas Historical Commission Comments
Tom Green County Courthouse Repairs and Upgrades
San Angelo, Texas

Dear Judge Brown:

We have reviewed the comments of Mark Cowan, project reviewer for the Texas Historical Commission. Below are our responses to his comments related to the structural scope of work:

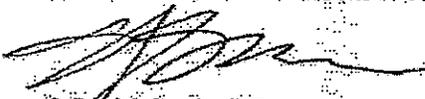
1. *Item No. 1 - Reconstruction of the concrete apron.* We recommended that the concrete apron not be replaced following excavation for waterproofing as we had observed deterioration of the lowest band of façade stone from water splash-up. Splash-up would result from a gravel apron as well, albeit to a lesser degree. If a concrete apron is reconstructed around the perimeter, we recommend the following considerations:
 - a. Slope the apron away from the building
 - b. Provide a waterstop between the apron and building
 - c. Treat the lowest band of façade stone with a consolidating water repellent.
2. *Item No. 4 - Cap Stones and Flashing.* The parapet cap flashing is specified as lead-coated copper. During our site investigation, we found no specific evidence of existing pins between the upper stones and each other or the lower parapet. The massive size of the stones and interlocking nature of the assembly restrict lateral movement. If ferrous anchors are observed in the assembly during removal, we would recommend replacing with stainless steel to match existing. Otherwise, the width of the stone in a full bed of mortar is sufficient to resist lateral loads, and we do not recommend penetrations in the new cap flashing. We recommend that our office is contacted during removal of the upper parapet stones to verify existing conditions and modify this recommendation as appropriate.
3. *Item No. 5 - Visible areas of non-historic flashing.* We agree with minimizing the extent of non-historic flashing. We would recommend a minimum flashing lip of 1/2-inch immediately below the parapet cap, and a minimum flashing lip of 1-inch at the front edge of the cornice (which should approximate the height of the uppermost protrusion). We recommend a mock-up (unfastened) of both flashing terminations to determine aesthetic appropriateness.

4. *Item No. 6 - Anchor locations:* We agree with the need to limit anchoring into the cast-stone. However, the stones in question are so wide (60+ inches, typ.) that anchoring in mortar joints only would significantly reduce resistance of the flashing assembly to code required wind loads. Our design anchor spacing of 24-inches results in a maximum of 3 anchors per stone, and our specified anchor is stainless steel, small diameter, pre-drilled, and located with a large enough edge distance to prevent damage to the cast stone during installation and the service life of the assembly.

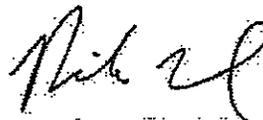
Please contact our office with any questions regarding this letter.

Sincerely,

SPARKS ENGINEERING, INC.
TEXAS REGISTERED ENGINEERING FIRM F-00515



S. Patrick Sparks, P.E.
Principal Engineer



Rick Miles, P.E.
Senior Engineer

cc: *Marty Skaggs, Templeton Construction*

Marty

From: Mark Cowan [Mark.Cowan@thc.state.tx.us]
Sent: Tuesday, March 23, 2010 9:39 AM
To: Marty
Subject: RE: TGC Courthouse - Item 1 Clarification

Marty,

From the point of view of maintaining the historic appearance, pouring back the apron in concrete matching original is the preferred way to go. However, if the county and its design professionals believe that substituting a fine gravel or caliche apron would be better for the long-term maintenance of the building; this will be an acceptable substitution as long as it matches the color and extent of the historic apron. If the county accepts either of these options, then our review will be complete.

Sincerely,

Mark D. Cowan
Project Reviewer
Texas Historic Courthouse Preservation Program
Texas Historical Commission
(512) 475-3285



TEXAS HISTORICAL COMMISSION
real places telling real stories

From: Marty [mailto:Marty@templetonconstruction.com]
Sent: Tuesday, March 23, 2010 9:31 AM
To: Mark Cowan
Subject: TGC Courthouse - Item 1 Clarification

In reference to item one....pouring back the mow strip with concrete is not acceptable? Please clarify on this item and I believe then, we should have acceptability of all your issues correct?.

From: Mark Cowan [mailto:Mark.Cowan@thc.state.tx.us]
Sent: Friday, March 19, 2010 11:04 AM
To: Marty
Cc: kburns@burnsarch.com; Gary
Subject: RE: Revisions to TGC Courthouse per THC concerns - Templeton Construction

Marty,

Thank you for your reply to our review.

THC staff have reviewed your comments regarding the issues raised during our review and have the following responses:

Item 1: THC staff does find that the historic concrete apron was a character defining feature of the historic courthouse and should be visually replicated. A fine gravel or caliche apron of similar color to the historic concrete, slopping away and with water stop where it meets the base of the building would be an acceptable solution. We generally recommend against applying water repellants to masonry as this practice has, on a number of previous projects, caused more damage than good. Sparks Engineering however has a good track record with THC projects in selecting appropriate breathable water repellants for use on high-risk areas of historic masonry, so if they find that this is necessary, THC will concur.

3/24/2010

Item 2, 3 & 7: THC understands that the work described in these items will not occur during this phase and that the county will resubmit this scope for THC review if and when the county wishes to proceed with it. No further THC review of these items is needed until that time.

Item 4, 5 & 6: THC understands and concurs with the engineer's responses on these items.

To complete this review process, please confirm that the county will proceed with Item 1 as per our comments.

Sincerely,

Mark D. Cowan
Project Reviewer
Texas Historic Courthouse Preservation Program
Texas Historical Commission
(512) 475-3285

From: Marty [mailto:Marty@templetonconstruction.com]
Sent: Thursday, March 18, 2010 5:19 PM
To: Mark Cowan
Cc: kburns@burnsarch.com; Gary
Subject: Revisions to TGC Courthouse per THC concerns - Templeton Construction

Mark,

Thanks for your comments on the above project. See our responses to your comments. We have attached our engineer's comments as part of our response. Your quick response is greatly appreciated as we are ready to present our cost for acceptance to the County. See our attached letter. Thank you.

Marty Skaggs - Estimator
TEMPLETON CONSTRUCTION CO., INC.
(325) 653-6904
www.templetonconstruction.com

Marty Skaggs - Estimator
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**Tom Green County Courthouse
Amendment 1
Phase 1 Proposal Packages
Dated March 24, 2010**

Exhibit D

COMPLETION SCHEDULE

The Contractor's Time of Completion shall be 8 months for this Phase 1 work.

**Tom Green County Courthouse
Amendment 1
Phase 1 Proposal Packages
Dated March 24, 2010**

Exhibit E

ALTERNATES

There are no alternates included in this Amendment.

**Tom Green County Courthouse
Amendment 1
Phase 1 Proposal Packages
Dated March 24, 2010**

Exhibit F

COST BREAKDOWN

See Attachment C

**TOM GREEN COUNTY COURTHOUSE - PHASE 1
ATTACHMENT C - COST BREAKDOWN**

TGC COURTHOUSE REPAIRS AND UPGRADES PHASE 1		
WORK ITEM	PROPOSAL PACKAGE	TOTAL
General Conditions	8 months	\$ 107,569
Fencing and Barricades	ALLOWANCE	\$ 20,000
Sprinkler and Sod Repair	ALLOWANCE	\$ 21,599
Storm Drainage	1	\$ 78,928
Concrete	2	\$ 9,158
Façade Repair	3	\$ 424,700
Waterproofing / Sealants	4	\$ 222,552
Trench Excavation and Bkfill	4	\$
Subtotal		884,505
Labor Burden	IN LINE ITEMS	0
Sales Tax on Material	0.00%	0
Subtotal		884,505
Builder's Risk Insurance		600
P & P Bond		12,250
Building Permit		0
Subtotal		897,355
Contingency	5.00%	44,868
Subtotal		942,223
Profit	6.00%	56,533
		\$ 998,757