

**AGREEMENT**  
for  
**Architect/Engineer Consultant Services**

This AGREEMENT is between the City of Corpus Christi, Texas, a Texas home-rule municipal corporation, "CITY", acting through its duly authorized City Manager or designee ("CITY ENGINEER"), and **AGCM, Inc.**, a Texas corporation, acting through its duly authorized representative who is **Gail Anderson, P. E., Chief Executive Officer** "ENGINEER", which agree as follows:

1. **DECLARATIONS.** "CITY" desires to engage "ENGINEER" to provide services in connection with City's project, described as follows: **Public Safety Warehouse BOND ISSUE 2008 (Project No. 5244)** "PROJECT".
2. **SCOPE OF WORK.** "ENGINEER" shall provide services for the "PROJECT" in accordance with the accompanying Letter, Scope of Services, and Fee attached as Exhibit "A".
3. **FEE.** The "CITY" agrees to pay the "ENGINEER" for services provided in accordance with Exhibit "A", Scope of Services, and Fee under this AGREEMENT, a total fee not to exceed **\$83,125.00** (in figures), (**Eighty Three Thousand One Hundred Twenty Five Dollars and Zero Cents**) (in words). Monthly invoices will be submitted in accordance with Exhibit "B".
4. **INDEMNIFICATION AND HOLD HARMLESS.** The "ENGINEER" agrees to indemnify, save harmless and defend the "CITY", and it's agents, servants, and employees as more fully set forth in Exhibit "C".

**CITY OF CORPUS CHRISTI**

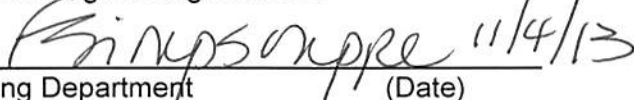
\_\_\_\_\_  
Mark Van Vleck, P. E. (Date)  
Interim Assistant City Manager  
for Public Works & Utilities

**AGCM, INC.**

  
\_\_\_\_\_  
Gail Anderson, P. E., (Date) **10-24-13**  
Chief Executive Officer  
1101 Ocean Drive  
Corpus Christi, TX 78404  
(361) 882-0469 Office  
(361) 884-9358 Fax

**RECOMMENDED**

\_\_\_\_\_  
Daniel Biles, P. E., (Date)  
Director of Engineering Services

  
\_\_\_\_\_  
Operating Department (Date) **11/4/13**

**APPROVED AS TO FORM**

\_\_\_\_\_  
Legal Department (Date)

**APPROVED**

\_\_\_\_\_  
Office of Management and Budget (Date)

**ATTEST**

\_\_\_\_\_  
City Secretary

**Public Safety Warehouse (Project No. 5244) BOND ISSUE 2008**

Fund Source No.	Fund Source Name	Amount
550950-3341-00000-140252	Police Imprv '09 GO CIP Fund (Bond '08)	\$82,011.93
550950-3191-00000-140252	Fire Imprv '09 GO CIP Fund (Bond '08)	1,113.07
<b>Total</b>		<b>\$83,125.00</b>

Encumbrance Number: \_\_\_\_\_



**CORPUS CHRISTI**  
1101 Ocean Drive (78404)  
P.O. Box 2682  
Corpus Christi TX 78403  
Ofc 361/882-0469  
Fax 361/882-0858  
[www.agcm.cc](http://www.agcm.cc)

October 23, 2013

Mr. Kenneth Kaper  
Construction Engineer  
Engineering Services  
City of Corpus Christi  
1201 Leopard St.  
Corpus Christi, TX 78401

Re: Corpus Christi Public Safety Warehouse P #5244

Dear Mr. Kaper,

AG|CM, Inc. is pleased to have the opportunity to propose Construction Support Services for the City of Corpus Christi on the **Corpus Christi Public Safety Warehouse Project # 5244**. Our firm will provide the personnel to perform the scope of Construction Inspection services for the cost of \$83,125.00 as outlined in the attached man hour estimate which is based on a construction time of 300 Calendar days (10 months), plus time before actual construction and all required time after substantial completion is acquired. Our proposal is based on 4% of construction cost and does not include any additional time if required due to delays in project. I have attached the resume of Marcus Garcia for your reference. Marcus will act as the City's onsite representative and liaison between departments.

Again, we greatly appreciate your confidence and the prospect of continuing to provide professional services to the City of Corpus Christi.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Marty Schmitt', is written over a light blue horizontal line.

Marty Schmitt  
Field Operations Manager  
361-882-0469  
361-443-4572c  
[mschmitt@agcm.cc](mailto:mschmitt@agcm.cc)

AG|CM, Inc.

Title/Position/Item	Year	Year	Year	Year	Total
	2013	2014	2015	2016	
<b>PERSONNEL</b>					
0 Project Principal	\$0	\$0	\$0	\$0	\$0
0 Sr. Project Advisor, PE	\$0	\$0	\$0	\$0	\$0
0 Sr. Project Manager, PE	\$0	\$0	\$0	\$0	\$0
0 Sr. Construction Manager	\$0	\$0	\$0	\$0	\$0
0 Program Manager	\$0	\$0	\$0	\$0	\$0
0 Project Manager	\$0	\$0	\$0	\$0	\$0
0 Construction Manager	\$0	\$0	\$0	\$0	\$0
0 Assistant Construction Manager	\$0	\$0	\$0	\$0	\$0
0 Superintendent	\$0	\$0	\$0	\$0	\$0
0 Assistant Superintendent	\$0	\$0	\$0	\$0	\$0
0 Project Scheduler	\$0	\$0	\$0	\$0	\$0
0 Scheduler II	\$0	\$0	\$0	\$0	\$0
0 Quality Control/Inspector	\$11,875	\$71,250	\$0	\$0	\$83,125
0 Constructability Reviewer	\$0	\$0	\$0	\$0	\$0
0 MEP Consultant	\$0	\$0	\$0	\$0	\$0
0 Chief Estimator	\$0	\$0	\$0	\$0	\$0
0 Senior Estimator	\$0	\$0	\$0	\$0	\$0
0 Estimator III	\$0	\$0	\$0	\$0	\$0
0 Estimator II	\$0	\$0	\$0	\$0	\$0
0 Estimator I	\$0	\$0	\$0	\$0	\$0
0 Administrative Assistant	\$0	\$0	\$0	\$0	\$0
0 CM Intern	\$0	\$0	\$0	\$0	\$0
0 Chief Executive Officer	\$0	\$0	\$0	\$0	\$0
<b>Manhour Subtotal</b>	<b>\$11,875</b>	<b>\$71,250</b>	<b>\$0</b>	<b>\$0</b>	<b>\$83,125</b>
					<b>\$0</b>

AG CM, Inc.						
Title/Position/Item	Year	Year	Year	Year	Total	
	2013	2014	2015	2016		
<b>PROJECT SPECIFIC</b>						
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
<b>GENERAL CONDITIONS</b>						
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
<b>Project Specific &amp; General Subtotal</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Yearly Estimate Totals</b>						
	\$11,875	\$71,250	\$0	\$0	\$83,125	
<b>Total Manhours</b>	0		<b>Project Total</b>		<b>\$83,125</b>	
<b>Avg Bill Rate</b>	\$95.00					



## Marcus Garcia

Contract Coordinator  
AG|CM Inc.



### Joined Firm in 2004

#### Education & Training

Durham Business College, Corpus Christi, TX, Business-1972  
Del Mar College Corpus Christi, TX, Auto Mechanics-1973  
Grade B Water License Certification Courses  
Hydrology of Floods and Watershed Systems, AWRA, Texas Section  
Supervisory Principals and Processes for High Performance Accident Investigation Techniques  
Professional Usage of Roundup Herbicide

#### Certifications

Grade B Water License (Inactive)  
HazWoper Operations (Inactive)  
Hazardous Waste Mgmt (Inactive)  
TEEX Personal Protection and Safety Incident Command System-Chemical Spill Response (Inactive)  
Confine Space Entry (Inactive)  
Certified Facilitator/Instructor

### PROFESSIONAL EXPERIENCE

#### AG|CM, Inc.

(2004 to Present) Contract Coordinator with AG|CM responsible for a wide range of complex projects. Inspection of new construction and rehab of roads, city streets with curbs and inlets, utilities and drainage systems. Inspection of new installation and rehab of water treatment plant equipment. Inspection of 2 miles of 60" water line construction and pump station as part of the Rincon Bayou Diversion project at the Nueces River in Corpus Christi.

#### City of Corpus Christi

(2000 to 2004) Storm Water Department, Contract Administrator. Administered the Department's R.O.W. maintenance contracts including: Mowing, Inlet Cleaning and Street Sweeping. Created and maintained all record keeping.

(1998 to 2000) Water Department, Senior Maintenance Supervisor. Supervised the operation and maintenance Mary Rhodes Pipeline and pump stations and the R.O.W. from Edna to the O. N. Stevens Water Treatment Plant in Corpus Christi.

(1988 to 1998) Storm Water Department, Storm Water General Foreman. Supervised 55 employees and all equipment in daily operations.

(1988 to 1988) Water Department, Senior Water System Foreman. Supervised a 10-person water line construction and emergency repair crew. Installed and repaired large diameter water lines and appurtenances.

(1979 to 1988) Water Department, Title: Inspector-Foreman. Inspected and tested new water line installations in new subdivisions and in Rights-of-Way. Responsible for resolving conflicts in alignments and other related problems.

#### Holt Hulings Caterpillar-American Bottling Company/Walton Neon Signs

(1978 to 1979) Forklift Mechanic performing repairs and overhauls of forklifts, Sign Builder constructing and wiring large neon signs.

#### City of Corpus Christi

(1974 to 1978) Water Department Foreman. Supervised a 4-person leak crew in emergency repair of water mains, valves, fire hydrants and house service lines.

(1972 to 1974) Water Department, Laborer, Water System Mechanic.

**COMPLETE PROJECT NAME**

**Project No. XXXX**

**Invoice No. 12345**

**Invoice Date:**

	<b>Contract</b>	<b>Amd No. 1</b>	<b>Amd No. 2</b>	<b>Total Contract</b>	<b>Amount Invoiced</b>	<b>Previous Invoice</b>	<b>Total Invoice</b>	<b>Percent Complete</b>
<b>Basic Services:</b>								
Preliminary Phase	\$1,000	\$0	\$0	\$1,000	\$0	\$1,000	\$1,000	100%
Design Phase	2,000	1,000	0	3,000	1,000	500	1,500	50%
Bid Phase	500	0	250	750	0	0	0	0%
Construction Phase	2,500	0	1,000	3,500	0	0	0	0%
<b>Subtotal Basic Services</b>	<b>\$6,000</b>	<b>\$1,000</b>	<b>\$1,250</b>	<b>\$8,250</b>	<b>\$750</b>	<b>\$1,500</b>	<b>\$2,500</b>	<b>30%</b>
<b>Additional Services:</b>								
Permitting	\$2,000	\$0	\$0	\$2,000	\$500	\$0	\$500	25%
Warranty Phase	0	1,120	0	1,120	0	0	0	0%
Inspection	0	0	1,627	1,627	0	0	0	0%
Platting Survey	TBD	TBD	TBD	TBD	TBD	TBD	TBD	0%
O & M Manuals	TBD	TBD	TBD	TBD	TBD	TBD	TBD	0%
SCADA	TBD	TBD	TBD	TBD	TBD	TBD	TBD	0%
<b>Subtotal Additional Services</b>	<b>\$2,000</b>	<b>\$1,120</b>	<b>\$1,627</b>	<b>\$4,747</b>	<b>\$500</b>	<b>\$0</b>	<b>\$500</b>	<b>11%</b>
<b>Summary of Fees</b>								
Basic Services Fees	\$6,000	\$1,000	\$1,250	\$8,250	\$750	\$1,500	\$2,500	30%
Additional Services Fees	2,000	1,120	1,627	4,747	500	0	500	11%
<b>Total of Fees</b>	<b>\$8,000</b>	<b>\$2,120</b>	<b>\$2,877</b>	<b>\$12,997</b>	<b>\$1,250</b>	<b>\$1,500</b>	<b>\$3,000</b>	<b>23%</b>

**Exhibit "C"**  
**Mandatory Requirements**  
**(Revised November, 2005)**

**INDEMNIFICATION AND HOLD HARMLESS**

**Consultant agrees to indemnify, save harmless and defend the City of Corpus Christi, and its agents, servants, and employees, and each of them against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and attorneys' fees, for or on account of any injury to any person, or any death at any time resulting from such injury, or any damage to any property, which may arise or which may be alleged to have arisen out of or in connection with the work covered by this contract. The foregoing indemnity shall apply except if such injury, death or damage is caused by the sole or concurrent negligence of the City of Corpus Christi, its agents, servants, or employees or any other person indemnified hereunder.**





SUPPLIER NUMBER  
TO BE ASSIGNED BY CITY  
PURCHASING DIVISION

## CITY OF CORPUS CHRISTI DISCLOSURE OF INTEREST

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA". See reverse side for Filing Requirements, Certifications and definitions.

**COMPANY NAME:** AG/CM, Inc.

**P. O. BOX:** \_\_\_\_\_

**STREET ADDRESS:** 713 Coleman Avenue      **CITY:** Corpus Christi      **ZIP:** 78403

**FIRM IS:**      1. Corporation          2. Partnership          3. Sole Owner      
                   4. Association          5. Other           

### DISCLOSURE QUESTIONS

If additional space is necessary, please use the reverse side of this page or attach separate sheet.  
 1. State the names of each "employee" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name	Department (if known)	Job	Title	and	City
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. State the names of each "official" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name	Title
_____	_____
_____	_____
_____	_____

3. State the names of each "board member" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name	Board, Commission or Committee
_____	_____
_____	_____
_____	_____

4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name	Consultant
_____	_____
_____	_____
_____	_____

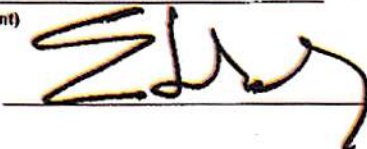
### FILING REQUIREMENTS

If a person who requests official action on a matter knows that the requested action will confer an economic benefit on any City official or employee that is distinguishable from the effect that the action will have on members of the public in general or a substantial segment thereof, you shall disclose that fact in a signed writing to the City official, employee or body that has been requested to act in the matter, unless the interest of the City official or employee in the matter is apparent. The disclosure shall also be made in a signed writing filed with the City Secretary. [Ethics Ordinance Section 2-349 (d)]

### CERTIFICATION

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

**Certifying Person:** Ed Labay, AVS **Title:** Vice President/Projects  
(Type or Print)

**Signature of Certifying Person:**  **Date:** 4/5/13

### DEFINITIONS

- a. "Board member." A member of any board, commission, or committee appointed by the City Council of the City of Corpus Christi, Texas.
- b. "Economic benefit". An action that is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof.
- c. "Employee." Any person employed by the City of Corpus Christi, Texas either on a full or part-time basis, but not as an independent contractor.
- d. "Firm." Any entity operated for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product or service, including but not limited to, entities operated in the form of sole proprietorship, as self-employed person, partnership, corporation, joint stock company, joint venture, receivership or trust, and entities which for purposes of taxation are treated as non-profit organizations.
- e. "Official." The Mayor, members of the City Council, City Manager, Deputy City Manager, Assistant City Managers, Department and Division Heads, and Municipal Court Judges of the City of Corpus Christi, Texas.
- f. "Ownership Interest." Legal or equitable interest, whether actually or constructively held, in a firm, including when such interest is held through an agent, trust, estate, or holding entity. "Constructively held" refers to holdings or control established through voting trusts, proxies, or special terms of venture or partnership agreements."
- g. "Consultant." Any person or firm, such as engineers and architects, hired by the City of Corpus Christi for the purpose of professional consultation and recommendation.