



## CONSULTING AGREEMENT

This AGREEMENT is made between the City of Crockett, a political subdivision of the state of Texas, herein "City" and Aoka Engineering LLC (DBA: Aoka Code Consulting), herein "Aoka".

### THE PARTIES AGREE AS FOLLOWS:

1. **SCOPE OF WORK:** City engages Aoka to provide services as set forth in Exhibit "A" attached hereto.
2. **LICENSES:** Aoka possesses the skill and experience necessary; and all qualified personnel and licenses required to perform the services under this agreement. Aoka further agrees to comply with all applicable laws in the performance of the services hereunder.
3. **PAYMENT:** City agrees to pay Aoka for their services rendered under this Agreement an amount as set forth in Exhibit "B" attached hereto.
4. **TERMS OF PAYMENT:** Aoka will bill the City once a month. All invoices are due and payable net thirty (30) days, and interest shall accrue at the rate of one and one-half percent (1.50%) per month from the date due. Failure to pay any invoice within the time required shall constitute a material breach of this Agreement.
5. **RIGHT OF CONTROL:** City agrees that it will have no right to control or direct the details, manners, or means by which Aoka accomplishes the results of the services performed hereunder. Aoka has no obligation to work any particular hours or days or any particular number of hours or days. Aoka agrees, however, that Aoka's other contracts or services shall not interfere with the performance of its services under this Agreement.
6. **RELATIONSHIP:** Aoka is an independent contractor and is not an employee, servant, agent, partner, or joint venture of the City. Aoka is not eligible for, and shall not participate in, any employee pension, health, or other benefit plans provided by the City.
7. **FEDERAL, STATE AND LOCAL PAYROLL TAXES:** Neither federal, state, or local income taxes, nor payroll taxes of any kind shall be withheld and paid by City on behalf of Aoka or the employees of Aoka.
8. **INSURANCE:** Aoka at its own expense shall procure and maintain the following insurance policies for the duration of the contract:
  1. **Worker's Compensation:** Aoka currently maintains worker's compensation and employer's liability insurance in the amount:
    1. Each accident: \$1,000,000.00
    2. Disease each employee: \$1,000,000.00
  2. **General Liability:** Aoka currently maintains commercial general liability insurance in the amount of \$1,000,000.00 per occurrence.
  3. **Errors and Omission:** Aoka currently maintains errors and omission insurance in the amount:
    1. Per occurrence: \$1,000,000.00
    2. Aggregate: \$2,000,000.00

9. **EQUIPMENT, TOOLS, MATERIALS OR SUPPLIES:** Aoka shall supply, at its sole expense, all equipment tools, materials and/or supplies to accomplish the services to be provided herein.
10. **EFFECTIVE DATE:** This contract will run from \_\_\_\_ day of \_\_\_\_\_, 2023 through the termination by at least 45 days written notice by either party. Upon termination, the City shall pay Aoka for any materials, supplies, or equipment, which are in transit or under commitment.
11. **WAIVER:** No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder.
12. **NON-SOLICITATION:** The City agrees in good faith that for the term of this Agreement and one year after the termination of the Agreement not to directly or indirectly employ or otherwise engage any current employee of Aoka or any former employee of Aoka who left Aoka within the six months prior to and including the date of the execution of this Agreement.
13. **CHOICE OF LAW:** Any dispute under this Agreement, or related to this Agreement, shall be decided in accordance with the laws of the State of Texas. All claims, disputes, or matter in question arising out of, or relating to, this agreement or any breach thereof, including but not limited to dispute shall be submitted to non-binding mediation before initiation of legal proceedings. City and Aoka agree to submit all disputes and claim that arise out of or that relate to this agreement, or to the interpretation or breach thereof, or to the existence, scope, or validity of this Agreement to a non-binding mediation jointly selected by the City and Aoka prior to initiating demand for Arbitration. In the event of any such dispute or claim, the parties agree to mediate the dispute or claim within 30 days of a written notice to the City or Aoka of such a claim or dispute. The parties shall mutually agree upon the mediator, and the parties shall bear one-half of the cost of the mediation and shall bear the cost of their own attorney fees.
14. **ENTIRE AGREEMENT:** This is the entire Agreement of the parties and can only be modified or amended in writing by the parties.

**City of Crockett, Texas**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Aoka Engineering LLC**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

## **EXHIBIT A (Scope of Services)**

### **Building Plan Review**

Our building plan review service ensures building safety all the while helping contractors meet their construction goals. When a contractor submits a drawing of their building to us through the city, ICC professionals well versed in building safety codes will review it to ensure what is being planned to build is safe. We provide building plan review services at an industry leading **turn around time of 3-10 days**. With our expert plan review staff supported by our technology centered process, plans are reviewed accurately and timely.

All plans are eligible for electronic submission. The process is as follows:

- The city intakes the permit application with design documents.
- The project is submitted to us through the city's own system or through an easy upload to Aoka's website.
- Aoka's project manager is notified as soon as the city uploads the design documents.
- The project manager will assign the project to one or multiple relevant plan examiners.
- The plan examiners will review the design documents.
- The plan examiners upload their plan check report according to the direction of the city, either on the city's system or on Aoka's digital platform, which can be accessed by the city in real time.
- The project manager will review the plan check report to ensure quality.
- The city will be notified by email as soon as the plan examination and quality review is completed.
- The city will be able to access the plan check reports prepared by the plans examiner which can be distributed to the permit applicant. Transparency is key.

### **Building Inspection**

Aoka will inspect all residential, commercial, multifamily and industrial projects, to ensure compliance with all model building codes adopted by the State of Texas and all local ordinances.

Aoka inspectors will:

- Maintain all necessary certificates and licenses.
- Provide the City with necessary information to determine what inspections are required for a given application.
- Perform inspections under the direction of Aoka's Building Official.
- Complete inspections timely and courteously.
- Represent the City in a professional manner.
- Coordinate inspections with other City departments as necessary.
- Maintain specific records of completed inspections and inspection reports and transmit them in real time to the City.
- Assist in complaint investigations, hazardous building inspections, and assist the City in prosecuting violations.
- In addition to on-site inspections, Aoka offers an optional virtual inspection process. Virtual inspection increases efficiency and reduces costs, and we adhere to all ICC's virtual inspection guidelines.

## **Virtual Inspection**

We have adapted to the changing landscape of building inspections by adopting virtual inspections and provide it as needed. We use a specialized software that allows the inspector to inspect the property virtually with the help of the contractor/homeowner who is on site. Taking video recordings and photos, easy communication with the contractor, taking relevant notes to include in the inspection report, geotagging to ensure the homeowner is in the right location is all possible through our virtual inspection program. We currently conduct building inspections virtually for multiple jurisdictions and are in the process of trying it with HUD projects as needed.

Aoka Inspectors will:

- Maintain all necessary certifications and licenses
- Be trained in and familiar with ICC's virtual inspection procedures and guidelines
- Have at least seven years of experience doing field inspections so that they can direct contractors virtually, very efficiently.
- Use our latest virtual inspection software to send a text to the contractor's phone at the time of the inspection. The contractor will be connected with the inspector through video and audio when they click on the link.
- Use our latest software which has geotagging to verify the contractor is in the right address. In addition, they will check the permit number, street name and house number.
- Direct contractors/homeowners to show certain things according to the requirements of the inspections.
- Ask contractors/homeowners additional questions as needed.
- Take pictures and videos of what they see for documentation
- Approve, deny or partially approve the inspection
- If the inspector feels the virtual inspection has not provided adequate information to approve or deny, they will schedule an in-person inspection.
- Create inspection reports containing the geotagged location, pictures, and comments
- Upload the report into our system which automatically shares it with the municipality and the contractor/homeowner.
- Ask the contractor to reschedule the inspection if not approved.

We encourage the consideration of our virtual inspection program for faster inspections and efficiency. It allows for inspectors from a larger area to be used, reduces driving time, increases cost savings, all while meeting ICC's life safety and inspection standards.

## **Public Works/ Civil Plan Review and Inspection**

Aoka provides the highest-level of civil plan review and inspection services. Our staff has performed civil plan review for private subdivisions and development improvement plans for both on-site and public right-of-way improvements. Our review/inspections include, but are not limited to:

- Paving
- Lot Grading

- Retention Pond
- Drainage / Storm Sewer
- Sanitary Sewer
- Street Sign and Sidewalk
- Street Lighting
- Water Layout
- Erosion Control

### **Public Works Permit Service**

Aoka can review residential, commercial, and industrial permit applications for public works permits – including water and sewer services, driveways, roadways, utility installation, and other work within the City’s right-of-way. Our staff can provide customer service and technical information for permit application process related questions, infrastructure requirements, and other public works issues within the City.

### **Stormwater Plan Review and Inspections**

Aoka can provide a Qualified SWPPP Developer (QSD) for stormwater plan review. Plans will be carefully reviewed for compliance with all stormwater technical guidelines. We will review preventative maintenance plans and ensure they meet or exceed regulatory stormwater standards. Our staff has completed plan review for and inspected various treatment methodologies permitted by the C3 stormwater technical guidelines for public, private, and special projects. If needed, we can provide Certified Erosion and Sediment Control Lead (CESCL) training.

### **Floodplain Manager Service**

Permits are required prior to any construction conducted in a floodplain designated by the Federal Emergency Management Agency as “AO,” “AE”, or “Floodway”. Our Floodplain Managers can process, verify, and approve floodplain development permits.

### **Fire Protection Plan Review and Inspection**

Aoka can provide fire and life safety plan review and inspection services. Our staff include ICC certified fire marshals and NFPA certified fire plans examiners who have performed comprehensive fire and life safety reviews. With proficiency in virtually all types of construction and occupancies, our team will review fire sprinkler system plan, fire alarm plan, fire suppression system plan, CO2 system plan, and fuel storage tank plan. Aoka can check for allowable height and area, fire restrictive construction, means of egress, fire access, hazardous materials, and smoke management systems.

### **Certified Building Official Services**

We can provide complete Certified Building Official services for the development, administration, interpretation, application and enforcement of all adopted codes and policies and other Building Department needs.

### **Training Services**

Our Certified Building Official can provide on-site training services to your residents and contractors regarding all aspects of the permit submission, review, and inspection processes. We can also create informational materials and other documentation guiding the applicant through the entire permitting process.

### **Availability and Turnaround Times**

We propose the following turnaround times for the services listed below:

- Plan Review (<\$5M valuation) -within 5 business days
- Plan Review (>\$5M valuation) -within 10 business days
- Plan Review Rechecks -within 3 business days
- Inspections -within 24 hours

## EXHIBIT B (Fee Schedule)

### **Residential Construction Plan Review and Inspection**

Aoka will bill the City the following percentage of the listed fees for a combination of plan review and inspection services.

- Digital plan review and virtual inspection: 60% of the City of Crockett's most current adopted plan review and permit fees.
- Digital plan review and on-site inspection: 80% of the City of Crockett's most current adopted plan review and permit fees.

### **Commercial and Multi- Family Construction Plan Review**

<b>Valuation</b>	<b>Proposed Fee</b>
\$1.00 to \$10,000.00	\$55.00
\$10,001.00 to \$25,000.00	\$76.90 for the first \$10,000.00 plus \$5.9 for each additional \$1000.00
\$25,001.00 to \$50,000.00	\$166.17 for the first \$25,000.00 plus \$4.29 for each additional \$1000.00
\$50,001.00 to \$100,000.00	\$273.44 for the first \$50,000.00 plus \$2.97 for each additional \$1000.00
\$100,001.00 to \$500,000.00	\$422.26 for the first \$100,000.00 plus \$2.38 for each additional \$1000.00
\$500,001.00 to \$1,000,000.00	\$1,376.06 for the first \$500,000.00 plus \$2.02 for each additional \$1000.00
\$1,000,001.00 and up	\$2,383.38 for the first \$1,000,000.00 plus \$1.34 for each additional \$1000.00

### **Commercial and Multi-Family Construction Inspection**

**Note: Remote will be billed at 80% of the below In-person rates**

<b>Valuation</b>	<b>Proposed Fee</b>
------------------	---------------------

\$1.00 to \$10,000.00	\$76.15
\$10,001.00 to \$25,000.00	\$107.67 for the first \$10,000.00 plus \$8.32 for each additional \$1000.00
\$25,001.00 to \$50,000.00	\$232.41 for the first \$25,000.00 plus \$6 for each additional \$1000.00
\$50,001.00 to \$100,000.00	\$382.39 for the first \$50,000.00 plus \$4.16 for each additional \$1000.00
\$100,001.00 to \$500,000.00	\$590.29 for the first \$100,000.00 plus \$3.32 for each additional \$1000.00
\$500,001.00 to \$1,000,000.00	\$1920.85 for the first \$500,000.00 plus \$2.83 for each additional \$1000.00
\$1,000,001.00 and up	\$3331.6 for the first \$1,000,000.00 plus \$1.87 for each additional \$1000.00

**Commercial and Multi-Family FIRE Plan Review (Fire Alarm System & Fire Sprinkler System)**

<b>Valuation</b>	<b>Fee, Each System</b>
Less than \$6,250.00	\$200.00
\$6,250.00 to \$250,000.00	\$300.00
\$250,001.00 to \$500,000.00	\$425.00
\$500,001.00 to \$1,000,000.00	\$550.00
\$1,000,001.00 to \$3,000,000.00	\$800.00
\$3,000,001.00 to \$6,000,000.00	\$1,200.00
\$6,000,000 and up	\$1,200.00 plus \$0.38 for each additional \$1000.00



**Commercial and Multi-Family FIRE Inspection (Fire Alarm System & Fire Sprinkler System)**

<b>Valuation</b>	<b>Fee, Each System</b>
Less than \$6,250.00	\$300.00
\$6,250.00 to \$250,000.00	\$425.00
\$250,001.00 to \$500,000.00	\$525.00
\$500,001.00 to \$1,000,000.00	\$675.00
\$1,000,001.00 to \$3,000,000.00	\$950.00
\$3,000,001.00 to \$6,000,000.00	\$1,425.00
\$6,000,000 and up	\$1,425.00 plus \$0.38 for each additional \$1000.00

<b>Miscellaneous Fire Related Items</b>	<b>Hourly rate</b>
Underground fire code plan review	\$90
Fuel storage tank plan review	\$90
Underground fire code inspection	\$120
Fire extinguisher inspection	\$120
Fire certificate of occupancy inspection	\$120
Fuel storage tank inspection	\$120
Annual fire safety inspection	\$120

### Public Work Services

Plan review	\$90 per hour
Inspection	\$90 per hour

### Additional Services

Additional Services	Hourly rate
Building Official On-Site	\$120+ Travel expenses
Building Official Virtual (Min: 1hr)	\$100

### Additional Notes:

- Plan review includes an initial the second and third review- as necessary. Subsequent review (if needed) will be billed at an additional hourly rate of \$90 with a prior approval from the city
- Expedited plan review fee: 150% of the regular plan review fee.