



## Woodbury County Law Enforcement Center Authority

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Ron Wieck, Chair  
Dan Moore, Secretary  
Mark Nelson, Treasurer

Woodbury County Courthouse  
620 Douglas Street, Room #104  
Sioux City, Iowa 51101  
712.279.6525  
lecauthority@gmail.com

### AGENDA

**Tuesday, December 17, 2024**

**Basement Boardroom, Woodbury County Courthouse**

3:00P Call the meeting to order

Reminder: Please silence all cell phones and electronic devices. When speaking, please come to the podium, state your name, address, and speak loudly and clearly. Thank you – Chairman Ron Wieck

1. Approval of the agenda
2. Approval of the meeting minutes from December 3, 2024
3. Financial report
4. Discussion & Action on adding three (3) unit heaters to the LEC – WCBS  
Director Kenny Schmitz
5. Discussion & Action on hiring a Commissioning Agent – Shane Albrecht  
(Baker Group) and Corey Metzger (RCE)
6. Information and update on the LEC project – Shane Albrecht (Baker Group)
7. Public concerns
8. Authority Board Members concerns
9. Closed session with Fredrikson & Byron Law Firm (Iowa Code Chapter  
21.5(1)(c))
10. Adjourn

# *Woodbury County Law Enforcement Center Authority*

## **Minutes**

December 3, 2024, 1:00 p.m.

First Floor Boardroom, County Courthouse

Attendance:

Members: Ron Wieck, Dan Moore, Mark Nelson

Staff: Karen James, Administrative Assistant, Shane Albrecht, Baker Group, Jodie McDougal, Attorney, Deputy County Auditor, Michelle Skaff, Kevin Rost, Goldberg Group Architects (by phone)

1. Motion by Nelson, second by Moore to approve the agenda. Carried 3-0
2. Motion by Moore, second by Nelson to approve the minutes from November 19, 2024. Carried 3-0
3. Motion by Wieck, second by Nelson to approve the minutes from November 21, 2024. Carried 3-0
4. Motion by Nelson, second by Moore to approve claims totaling \$38,590.13. Carried 3-0
5. Motion by Nelson, second by Wieck to receive financial report. Carried 3-0

Michelle Skaff, Deputy County Auditor gave an update on the financial report.

6. Motion by Nelson, second by Moore to approve the request from the County Attorney to change the AV workroom in the new LEC facility to a law library. Carried 3-0
7. Shane Albrecht, Baker Group gave an update on the LEC project. Working on financial completion items. County Attorney's office and the courts are now moved in to the facility.
8. Board of Supervisors Daniel Bittinger requested an update on transportation for the new LEC facility.  
  
County Sheriff Chad Sheehan discussed a voucher system for transportation for inmates.
9. There were no Authority Board Members concerns.
10. Motion by Moore, second by Nelson to go into closed session per Iowa Code 21.5 (1) (c) with Fredrikson & Byron Law Firm. Carried 3-0 on a roll-call vote.

Motion by Wieck, second by Moore to go out of closed session per Iowa Code 21.5(1) (c) with Fredrikson & Byron Law Firm. Carried 3-0 on a roll-call vote.

11. Motion by Wieck, second by Moore to adjourn the meeting.

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Dan Moore, Secretary



ESTABLISHING A FOUNDATION  
FOR PERFORMANCE

## PROPOSAL FOR INDEPENDENT COMMISSIONING SERVICES



### WOODBURY COUNTY - LAW ENFORCEMENT CENTER

SUBMITTED  
OCTOBER 1, 2024 REVISED DECEMBER 9, 2024

~~October 1, 2024~~ Revised December 9, 2024

Ron Wieck  
Woodbury County Law Enforcement Authority  
E: rcwieck65@gmail.com

Re: Commissioning Services for the Woodbury County - Law Enforcement Center

Dear Ron:

Cornerstone is pleased to provide you with this proposal for commissioning services for the *Woodbury County - Law Enforcement Center* project in Sioux City, IA. Our scope is based on phone and email correspondence with RCI on 09/23/2024. Additionally, we always tailor the process and approach to fit each client and each facility.

Since 2001, Cornerstone has completed over 1,000 projects, more than half have been for institutional / educational facilities, specializing in science labs. We are a certified commissioning firm (CCF) with a team of twenty (20) including certified commissioning professionals (CCP) and licensed professional engineers (PE) on staff. We have regional offices in New England, Mid-Atlantic, Midwest, and Central California. Our Midwest team will provide commissioning on this project.

One of our differentiators is being hands-on when we commission. We pride ourselves on solving problems, not just spotting them. We make sure we know how a building and its systems are supposed to work and perform testing ourselves, as opposed to relying on contractors.

**Our goal on every project is to know conclusively that a building's systems work as envisioned and that owners get what they paid for.**

Along with our qualifications and information on the team members who would work on this project, we've mapped out a proposed scope of work and fee that fit what we believe this project will entail. We welcome the opportunity to review them with you. Should you have any questions or require clarifications, please contact us.

Respectfully submitted,



**Keith Olberding, CCP**

Senior Commissioning Engineer  
Cornerstone Commissioning, LLC.  
M 515.664.7531 | E kolberding@cornerstonecx.com  
www.cornerstonecx.com

**Establishing a Foundation for Performance**






Cc: Daniel Frasier, PE, CCP, Vice President & General Manager; Cornerstone Commissioning, LLC.  
Shane Albrecht; Baker Group, albrechts@thebakergroup.com  
Corey B. Metzger, PE; Resource Consulting Engineers, LLC, [corey.metzger@resourcece.com](mailto:corey.metzger@resourcece.com)

## Firm Qualifications

STRENGTHS	<p><b>DEDICATION</b></p> <p>Cornerstone is a certified commissioning firm, and has multiple certified commissioning professionals on-staff, as well as staff members who have more than 30 years of experience in facilities operation and management.</p> 	<p><b>DOCUMENTATION</b></p> <p>When it comes to the Commissioning Performance Verification Criteria document, the Commissioning Plan and the Commissioning Specs, Cornerstone takes the time needed to verify roles, protocols, and expectations are described in a concise, yet detailed, format.</p> <p>We provide actual data and detailed descriptions of the testing results, not just checking off boxes or circling yes/no on generic forms. All testing documents are customized for that specific project.</p> <p>Cornerstone has upgraded our commissioning software to enhance the delivery of Commissioning Documents by partnering with <b>BlueRithm</b>. This has improved our project delivery processes, allowing project teams to be more interactively involved in the process by expediting the resolution of system deficiencies.</p>	<p><b>EXPERIENCE</b></p> <p>Since 2001, Cornerstone Commissioning, LLC. has successfully delivered over 1,000 commissioning projects within a variety of industries.</p> <p>Our experience comes from commissioning highly complex facilities, serving on industry standards committees, and training industry professionals.</p>
	<p><b>HANDS-ON APPROACH</b></p> <p>We pride ourselves on solving problems, not just spotting them. We make sure we know how a building and its systems are supposed to work and perform testing ourselves, as opposed to relying on contractors.</p> <p>Our goal on every project is to know conclusively that a building's systems work as envisioned and that owners get what they paid for.</p>	<p><b>TEAM COORDINATION</b></p> <p>Cornerstone coordinates with CMs during the design &amp; construction phases to provide optimal integration of commissioning activities into the construction schedule. This helps keep pace with overall timelines, allowing for smooth project delivery.</p>	
ACCOLADES		<p><b>A WORD ON PRICING</b></p> <p>Cornerstone is rarely the lowest-priced bidder. The reason is simple: our pricing includes <u>more scope</u> than our competitors, who end up issuing change orders to complete the same work we put into our original bid.</p> <p>We prefer to price jobs the way we've learned they actually need to be done to achieve optimal building performance.</p> <p><b>This includes performing PFCs ourselves, rather than having contractors do them.</b></p> <p>In other words, we include more scope for good reason. Our clients end up happier in the long run and their buildings run better from the start.</p>	
<p>"I've let many people know what a great job you and your company have done. Heads and shoulders above other commissioning companies we have worked with."</p> <p>"Halfway through the project, Cornerstone provided more commissioning services than other commissioning companies provided during completed construction projects."</p> <p>"Cornerstone was selected as the CxA well before the final design was set, and this turned out to be the biggest advantage the project had. Unlike other firms we have used, Cornerstone actively participated in every phase of the project."</p>			

## Proposed Team

**Tim Shukri** will serve as **Project Executive** for the commissioning team, with **Keith Olberding** serving as **Project Manager** and day-to-day client contact. Commissioning execution and support will be by **Jacob Weaver**.

	Name & Title	Role & Responsibility
	<p><b>Tim Shukri, PE, CCP</b> <i>Director of Operations</i></p>	<p><b>Project Executive</b> for this assignment, overseeing the project direction and the execution of tasks. Will manage and oversee documentation and perform design reviews.</p>
	<p><b>Keith Olberding</b> <i>Sr. Commissioning Engineer</i></p>	<p><b>Project Manager</b> serving as System Commissioning Process Lead for site activities and client contact once work begins. Duties will also include system analysis, control system troubleshooting, trend analysis, Cx process integration, streamlining system tests, schedule coordination, and documentation requirements.</p>
	<p><b>Jacob Weaver</b> <i>Commissioning Specialist</i></p>	<p><b>Commissioning execution and support</b> (field observation and reporting, commissioning documentation, scheduling, and installation reviews)</p>

*Detailed resumes for the individuals listed above can be found starting on the next page.*

# DIRECTOR OF OPERATIONS

**Tim Shukri, PE, MSME, CCP** ■ tshukri@cornerstonecx.com

## PROFESSIONAL HIGHLIGHTS

### EDUCATION & YEARS EXPERIENCE

Master of Science, Mechanical Engineering, University of Massachusetts, Lowell

– Professors Assistant, Mechanical Engineering Department 2009 – 2010

Bachelor of Science, Engineering Science, Bob Jones University

Years in the industry: 13

Years with firm: 13

### LICENSES & CERTIFICATIONS

Master of Science in Mechanical Engineering

Professional Engineer (2019)

### MEMBERSHIPS & ACCOMPLISHMENTS

Presenter: “Streamlining the Vivarium Facility Performance Verification Process.” The TurnKey Conference, National Harbor, MD. May 13-14, 2014

10-Hour OSHA Hazard Training Course for the Construction Industry

### KEY PRACTICE AREAS

Biocontainment / BSL-3 Facilities

Building Controls

Design Reviews

Existing Building Commissioning

Facilities Operations

Integrated Performance Tests

Performance Verification Testing

Pre-Functional Checklists

Sequence of Operations



Tim brings an exceptional level of leadership, interpersonal skills and hands-on ability to Cornerstone. He is lauded for his problem-solving skills and highly focused attention to detail when performing systems installations and performance testing. Tim fosters a collaborative, proactive approach in the field working with project team members that range from owners to the installation contractors. He holds both Bachelor of Science and Master of Science degrees in Mechanical Engineering.

## REPRESENTATIVE PROJECT EXPERIENCE

### Bristol Myers Squibb

2021-2024

#### NE Director of Commissioning

- Project Charles at Cambridge Crossing

### DivcoWest

2018 - present

#### Senior Commissioning Engineer

- Cambridge Crossing Buildings EF, G & H (1.8M SF of mixed-use research & life science space)

### MIT

2012 – present

#### Senior Commissioning Engineer

- E15 Cleanroom, B-10 GEMF Lab, B-13 Labs, and additional multiple ongoing small projects

#### Commissioning Engineer

- B-66 Chemical Engineering, E-25 IMES Lab, B-9, NW 23 Building

### Federal Reserve Bank

2018 – 2022

#### Senior Commissioning Engineer

- 1.2M SF, 30 story building

### Dana Farber Cancer Institute

2018 – 2022

#### Senior Commissioning Engineer

- Multiple facilities; healthcare & laboratory space

### Frequency Therapeutics

2020 – 2021

#### Senior Commissioning Engineer

- Vivarium and Lab Spaces

### New England Biolabs

2016 – 2018

#### Senior Commissioning Engineer

- Rowley GMP Facility

### Tufts University

2012 – 2018

#### Senior Commissioning Engineer

- Science and Engineering Complex; Gross Anatomy Lab; Timko Lab

#### Commissioning Engineer

- New England Regional Biosafety Lab (RBL), Arnold BSL3 Lab, Biology Collaborative Cluster

### Novartis Institutes for BioMedical Research

2012 - 2015

#### Commissioning Engineer

- 100 Tech Square – Fumehood Upgrades
- 300 Tech Square – 2nd Floor Lab Renovation
- 500 Tech Square OPHTHA Renovation
- Assorted Labs and Vivarium Cx, All Buildings

### National Institutes of Health

2012 – 2014

#### Commissioning Engineer

- Porter Neuroscience Research Center

### Howard Hughes Medical Institute

2012 – 2013

#### Commissioning Engineer

- Janelia Farms, Electron Microscope Production Suite; Optics Laboratory 2E.258; Chemical Storage Facility



# SENIOR COMMISSIONING ENGINEER

**Keith Olberding, CCP** ■ kolberding@cornerstonecx.com

## PROFESSIONAL HIGHLIGHTS

### EDUCATION & YEARS EXPERIENCE

Bachelor of Science,  
Electronic Engineering, DeVry  
Institute of Technology,  
Kansas City, MO, 1988

Years in the industry: 32

Years with firm: 3

### LICENSES & CERTIFICATIONS

Certified Commissioning  
Professional (CCP) – BCxA

10-Hour OSHA Certification

### MEMBERSHIPS & ACCOMPLISHMENTS

BCxA

### KEY PRACTICE AREAS

Energy Efficient Design

Facilities Operations

Utility Systems

Sequence of Operations

Complex Troubleshooting  
& Fine Tuning of Equipment  
and Controls

Existing Building  
Commissioning



Keith built his career in temperature controls, working for building automation companies for thirty years before becoming a commissioning agent. He has extensive experience as a systems design engineer and programmer, and has managed hundreds of BAS projects of varying complexity. Keith's strong interpersonal skills help create solid relationships with the construction team. He has an unrelenting approach to ensuring that systems operate as designed.

## REPRESENTATIVE PROJECT EXPERIENCE

### Iowa State University

2019 – present

#### Commissioning Engineer

- Student Innovation Center; 140,000 SF new construction; underfloor air distribution (UFAD)
- Sports Performance Center; Jack Trice Stadium North End Zone Improvements
- Veterinary Diagnostic Laboratory

### University of Iowa

2020 – present

#### Commissioning Engineer

- Stanley Museum of Art; 63,000 SF new university museum

### Monroe County Hospital and Clinics Expansion

2019 – 2021

#### Commissioning Engineer

- \$19M expansion and remodeling project

### University of Iowa Hospitals and Clinics

2019 – 2021

#### Commissioning Engineer

- Pomerantz Family Pavilion, Expansion of Infusion – Clinical Cancer Center
- John Colloton Pavilion, Upgrade Main Operating Room Building Controls & Telecom Room

### BAE Systems

2021 – present

#### Commissioning Engineer

- New Cedar Rapids Facility; 278,000-SF aerospace and defense facility

### Mcfarland Clinic

2021 – present

#### Commissioning Engineer

- New Marshalltown Clinic; 68,000-SF three story medical clinic, geothermal HVAC

### Woodbury County Courthouse

2021 – present

#### Commissioning Engineer

- Chiller plant replacement
- National Historic Landmark, built in 1916

### Iowa Veterans Home

2021 – present

#### Commissioning Engineer

- Medical Supply Pharmacy Renovation

# COMMISSIONING SPECIALIST

**Jacob Weaver, ACP** ■ [jweaver@cornerstonecx.com](mailto:jweaver@cornerstonecx.com)

## PROFESSIONAL HIGHLIGHTS

### EDUCATION & YEARS EXPERIENCE

Studied Construction Engineering (with an emphasis on Mechanical Engineering) at Iowa State University, Ames, IA  
2011 – 2014

Years in the industry: 12

Years with firm: 4

### LICENSES & CERTIFICATIONS

Associate Commissioning Professional (ACP) - BCxA  
10-Hour OSHA Certification  
MEWP OSHA Certification

### KEY PRACTICE AREAS

Sequence of Operations  
System Operations  
Building Automation Systems  
Performance Verification Testing  
Complex Troubleshooting & Fine Tuning of Equipment and Controls



Jacob has worked in the building controls industry for twelve years. He started his career at Johnson Controls where he was promoted to Senior Service Technician. At Johnson Controls, he excelled at designing and installing controls software for HVAC systems and developed an aptitude for commissioning mechanical equipment. His specialized experience with building controls, project management success, and client-oriented approach to commissioning makes him an integral part of the team.

## REPRESENTATIVE PROJECT EXPERIENCE

### Facebook Multiple Locations

Locations worldwide, current work

#### Commissioning Specialist

- Provide airflow calibration on fan arrays and supply shafts

### South Dakota State University

2020 – 2021

#### Commissioning Specialist

- Animal Disease Research and Diagnostic Laboratory; 135,000 SF addition & renovation

### University of Iowa

2020 – 2022

#### Commissioning Specialist

- Stanley Museum new construction project
- Van Allen Hall; Liquid Nitrogen System

### University of Iowa Hospitals & Clinics

2020 – 2021

#### Commissioning Specialist

- P. Family Pavilion, Expansion CCC Level 4
- John Colloton Pavilion Upgrades to Main Operating Room Building Controls, Telecom Room and HVAC Upgrades

### Iowa State University

2020 – present

#### Commissioning Specialist

- Multiple campus projects as CxA-of-record

### BSL-3 / ABSL-3 NEW CONSTRUCTION

2021 – present

#### Commissioning Specialist

- Mayo Arizona West Expansion BSL-3 Lab
- South Dakota State University BSL-3 Lab

### BSL-3 / ABSL-3 ANNUAL PERFORMANCE VERIFICATIONS (APVs)

2020 – present

#### Commissioning Specialist

- Mayo Hilton 8 Multiple BSL-3 lab suites and Guggenheim 18 BSL-3 / ABSL-3 lab

### Rion One Discovery Square

2021 – present

#### Commissioning Specialist

- Medical research facility BSL-2 remodeling project

### BAE Systems

2021 – present

#### Commissioning Specialist

- \$139M, 278,000 SF new construction CR Facility

### Element

2021 – 2022

#### Commissioning Specialist

- Aerosol testing laboratory renovation project

## Scope of Work & Pricing

RETRO COMMISSIONING		
TASKS	NOTES	MTGS
1. Create Functional Performance Test (FPT) protocols.	FPT documents for review by RCE and Owner.	
2. Perform FPTs to verify sequences and performance.	Hands-on testing by Cornerstone, as opposed to witnessing tests. Our staff lead and oversee the FPTs and will determine the method of testing based on each unique piece of equipment, system and zone. All test results to be documented by Cornerstone. Calibrated instrumentation and data loggers will be used to monitor and document test results.	
3. Maintain a commissioning issues report for tracking issues to resolution.	Maintain a master issues log and a separate record of functional testing. Report all issues as they occur directly to the Owner's Representative. Provide directly to the Owner's Representative written progress reports and test results with recommended actions. BlueRithm Cx software will be utilized for commissioning issue documentation and resolution.	
4. Provide a comprehensive commissioning report.	Report will include all completed FPTs and the Commissioning Issues identified during testing.	

<b>HVAC Systems to be Commissioned</b>	
<b>Mechanical Systems / Equipment</b>	<b>Rate of Sampling</b>
<b>Airside Equipment / Air Handling Units</b> AHU-1 AHU-2 AHU-3 / ERV MAU / Kitchen Hoods (4) Exhaust Fans (12) <b>Control Components</b> Temp Sensors, Pressure Sensors, Differential Pressure Sensors, Control Valves, etc.	100%
<b>Terminal Units</b> Variable Air Volume Boxes (95) Fan Powered VAV Boxes (8) <del>Ductless Split Systems (6)</del> CRAC Unit (1)	25% (24) 50% (4) <del>50% (3)</del> <del>100%</del>
<b>Hydronic Heating System</b> Boilers (2), Hot Water Pumps (3) <b>Hydronic Cooling System</b> Chillers (2), Chilled Water Pumps (3) <b>Miscellaneous Hydronics</b> <del>Unit Heaters (2)</del> <del>Fintube Radiation (4) with Pump (1)</del> <del>Snow Melt Zones (9) with Pumps (4)</del> <b>Control Components</b> Immersion Temp Sensors, Pressure Sensors, Differential Pressure Sensors, Control Valves, etc.	100%
<b>Smoke Control System</b> <del>Exhaust Fans (5)</del> <del>Pressurization Fans (5)</del> <del>Motorized Dampers (46)</del> <del>Fire/Smoke Dampers (11) — does not include Fire Dampers</del>	100%
<b>Building Controls (Building Automation System)</b> 1. Conduct a 100% check of major equipment and monitoring points, including analog sensor calibration, point-to-point and mapping to workstation graphics, proper control of operating sequences and alarm management functions. 2. Conduct a 100% sampling of like terminal equipment, including analog sensor calibration, point-to-point and mapping to workstation graphics, proper control of operating sequences and alarm management functions. 3. Utilizing setpoint override and adjustment at the BAS Workstation or website, verify the remaining 100% of like terminal equipment performs as required. 4. Conduct a 100% check of major equipment and monitoring points, including analog sensor calibration, point-to-point and mapping to workstation graphics, proper control of operating sequences and alarm management functions. 5. Conduct a 100% check of each unique system or equipment control sequence.	100%

<ol style="list-style-type: none"> <li>6. Control Points: Verify that the control system was checked and that it is commanding, reporting and controlling as specified in the construction documents. Verification must include verification of each control point.</li> <li>7. Sensors: Verify that all sensors have been calibrated so that the value reported in the control system represents the actual local value.</li> <li>8. Actuators: Visually verify that all actuators have been adjusted to fully close and open dampers and valves and operate properly in direction of flow.</li> <li>9. Graphic control screens: Verify all graphic control screens accurately depict the equipment, system and associated floor plans. Verify proper performance of links between graphic screens.</li> <li>10. Control setpoints: Review trend information of all major control setpoints to verify stable and accurate control.</li> <li>11. Scheduling: Review equipment schedules and setbacks to verify applicability to the project, equipment, or occupied space.</li> <li>12. Labeling: Verify that all control components and monitoring devices have been labeled.</li> </ol>	
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<b>FEES</b>	
LABOR	<b>\$32,450</b>
EXPENSES	<b>\$3,500</b>
<b>TOTAL FEE</b>	<b>\$35,950</b>

**Exceptions & Clarifications**

1. This is not a LEED project.
2. Cornerstone is a consultant, not a contractor, and therefore retainage is not applicable to any of our invoices/services.
3. Cornerstone has estimated two hours for network & controls system access. This assumes a relatively easy set-up process and that access will be upheld for two months into the warranty phase of the project. Any additional time needed may be billed as an "Added Service."
4. Scope does not include:
  - a. Verifying utility and energy use meters, or energy usage over time.
  - b. TAB (to be performed by others).
  - c. Testing of fire alarm (FA) alterations and additions, except for interface with BAS.
  - d. Testing of access control system.
  - e. Building enclosure commissioning.
  - f. Plumbing systems commissioning.
  - g. Electrical systems commissioning.

Unless otherwise extended in writing from Cornerstone Commissioning, this proposal scope with fees shall remain in effect for ninety (90) days from the proposal submission date. Cornerstone reserves the right, upon award of contract, to mutually negotiate any and all terms, conditions and provisions of the subcontract agreement, whether or not contained or identified in this scope, and in accordance with, but not limited to, the inclusions, exclusions and clarifications noted in this proposal. We request that our scope letter be attached to and become part of our subcontract.

**Insurance Coverage Summary**

GENERAL LIABILITY	\$3,000,000	\$1,000,000 per occurrence
PROFESSIONAL LIABILITY	\$3,000,000	\$1,000,000 per occurrence
AUTOMOBILE	\$1,000,000	
UMBRELLA LIABILITY	\$4,000,000	General aggregate and each occurrence
WORKERS' COMP	\$1,000,000	<i>**Proof of insurance will be provided at contract award**</i>

## **TERMS AND CONDITIONS**

Commissioning Services for the Woodbury County - Law Enforcement Center project provided by Cornerstone Commissioning, LLC are subject to the following Terms and Conditions. The Client hereby agrees to all Terms and Conditions as follows:

## **DEFINITIONS**

Cornerstone Commissioning, LLC is referred to as the "Consultant" and is an entity providing consulting services including, but not necessarily limited to, building mechanical, electrical and plumbing systems commissioning services. The term "Consultant" means Cornerstone Commissioning, LLC and its agents, servants, employees and authorized representatives and shall include any sub consultants or subcontractors retained directly by Cornerstone Commissioning, LLC. The "Client" is the person or entity engaging the Consultant to render consulting services.

## **FEES FOR PROFESSIONAL SERVICES**

Professional fees will be provided on a fixed fee lump sum detailed in the approved proposal.

## **PAYMENT**

Invoices will be submitted monthly for services rendered based on the lump sum value (billing on percentage complete). Payment of invoices is due and payable within 30 days of receipt of invoices.

It is further understood that if any part of this project is abandoned, or if work being performed is suspended in whole or in part, prior to completion of any phase, payment will be due in direct proportion to the work accomplished and all previously approved reimbursable expenses incurred prior to the receipt of written notice of such abandonment or suspension.

## **TIME OF PERFORMANCE**

Work will commence upon Notice to Proceed and the anticipated completion of the work will be according to a schedule agreed upon with the Owner or Consultant's direct client. The Consultant will make every effort to complete all work within the time frame agreed upon.

## **ACCESS TO WORK**

The Consultant shall at all times have access to the Work wherever it is in preparation or progress. The Client shall provide or arrange for access for Consultant and all equipment necessary to allow Consultant to perform services. The Client understands that in the normal course of work, some damage, such as interior damage from exploratory demolition or water testing, may occur. The Consultant will make reasonable efforts to avoid or minimize damage but correction or restoration of damage that may occur shall not be or become the obligation of Consultant unless otherwise agreed in writing.

## **UNFORESEEN OR UNKNOWN CONDITIONS**

The Client understands that construction often involves unforeseen or unknown conditions, including various conditions within the walls, floors, window frames and windowsill areas and other areas of an existing structure. Conditions are not always discoverable before actual construction commences and may not be reasonably amenable to full-scale testing and evaluation. The Consultant's services shall be provided to assist the Client in assessing conditions or in making changes to an existing facility for which the Client shall furnish, in a timely manner, documentation and information upon which the Consultant may rely for its accuracy and completeness. The Consultant shall not be required to perform or have others perform testing or to review unforeseen or unknown conditions beyond those specifically set forth, if any, in the Client approved scope of services. Client recognizes that scope of services to be rendered by the Consultant is limited to those building elements and matters described in the scope of services. Client also recognizes that conditions may vary from those encountered at locations where any limited tests and /or explorations are made by Consultant, and that the data, interpretations and recommendations of the Consultant are based solely on the information available to it and on any limited testing and exploratory work performed. Consultant shall not be responsible for the interpretations made by others of the information developed.

**HAZARDOUS MATERIALS AND TOXIC SUBSTANCES**

Consultant and its consultants and sub-contractors shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form, including but not limited to mold, toxic mold, asbestos and lead, at the Project site. If the Consultant or its consultants or sub-contractors are required to perform services related to, or encounter, release, disturb or otherwise effect, touch or are exposed to, at the Project site, hazardous materials or toxic substances in any form, the Client agrees to defend, indemnify and hold harmless the Consultant, its consultants and sub-contractors, and their officers, agents, servants and employees from and against any and all claims, demands, suits, actions, legal or administrative proceedings, damages, liabilities, losses, judgments, recoveries, costs and expenses, including attorney’s fees and expert fees, arising out of or resulting from services related to, or the presence of, hazardous materials or toxic substances in any form.

**STANDARD OF CARE**

The Client understands that the Consultant has a duty to perform all services of this Agreement consistent with ordinary and reasonable skill usually exercised by other Consultants providing the services which Consultant provides practicing currently under the same or similar circumstances. The Consultant makes no warranties, either express or implied, with respect to the services provided under this Agreement or with respect to any outcome or result of the services. No terms or conditions agreed upon by Client and Consultant shall create a contractual relationship with or a cause of action in favor of a third party against either.

**LIMITATION OF LIABILITY**

The officers, agents, servants and/or employees of the Consultant, sub-consultants, and subcontractors, shall not be individually, jointly, or severally liable for any loss, cost, claim, expense, fee, injury, damage, or liability arising or resulting from the services provided or work completed by or on behalf of Consultant for the Client. Consultant’s total liability to the Client with respect to this project for any loss, cost, claim, expense, fee, injury, damage, or liability resulting from error, omission, or other failure to perform services is limited to the aggregate sum of 10% of the Consultants’ total fee agreed to by the Client and Consultant.

**INDEMNIFICATION**

Client agrees to defend, indemnify and hold harmless the Consultant (as defined above) for any claim, loss, expense, damage, or liability arising from performance of services and work for Client by Consultant except to the extent such claim, loss, expense, damage or liability is caused by negligent act, error or omission of Consultant. Means and Methods of Construction and compliance with all safety regulations are the sole responsibility of any Contractor retained by the Client and not the responsibility of Consultant.



Tim Shukri, PE, MSME, CCP  
Director of Operations

12/9/2024

For Cornerstone Commissioning, LLC (signature & printed name, title)

Date

**Accepted by:**

\_\_\_\_\_  
Representative of Client or Project Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name & Title