

AMENDED EXHIBIT “A” – SCOPE OF SERVICE

Consultant understands and agrees that time is of the essence under this Agreement and it shall undertake all its required services under this Agreement in order to help the City achieve the delivery of a fleet of barges no later than September 1, 2017.

Pre-solicitation

No later than July 1, 2016, Consultant shall deliver detailed design specifications (“Fabrication Documents”), including the Boat Specifications defining materials, hardware, and performance criteria for the construction of barges based on its designs submitted as part of the design competition (“Competition Submittals”). The Competition Submittals are attached hereto as Attachment B. In the event there is a need to issue addenda to the Fabrication Documents based upon observed performance and feedback from the prototype vessel, Consultant shall issue such addenda no later than August 31st.

The Fabrication Documents shall be in such form and content as will, in the judgment of City be sufficient for the solicitation for the fabrication of barges for use in providing concession services on the San Antonio River. Consultant shall coordinate with any other necessary consultants as relates to the creation of the Fabrication Documents.

Such designs shall be compliant with all applicable federal, state, and local laws for the manufacture of boats to be used with commercial passengers.

Consultant shall make such corrections and modifications to the specifications as requested by City consistent with its professional judgment.

Prototype Barge

Consultant shall deliver to City a working prototype barge no later than July 28, 2016. Because City’s damages from such a breach would be difficult to estimate or quantify, Consultant accepts the amount of \$5,000.00 as a reasonable, negotiated estimate of City’s damages. In addition, if the prototype is not delivered before October 1, 2016, Consultant accepts the amount of \$5,000.00 as a reasonable, negotiated estimate of City’s further damages for a total \$10,000.00 in liquidated damages for late delivery of the prototype. The prototype shall, at a minimum, have the following accessories: 1) group tour seating; 2) group dining table and accessories; 3) cocktail cruise tables; 4) fixed and swiveling center seating; and 5) all necessary hardware for the above components.

Consultant shall have such barge launched on the San Antonio River in a place of City’s choosing.

Consultant shall coordinate with and pay independent manufacturers for the component portions of the barge. City shall reimburse Consultant for the payments to such manufacturers. Consultant shall, along with City, conduct extensive testing of a test barge in to ensure for compliance with the specifications, the needs of the City and its concessionaire in providing services to the public on the barges and the final aesthetic appearance of the barges as delivered. Consultant shall provide modifications to the specifications as needed to correct any issues that arise in such review and shall coordinate with the City in the publication of the modifications as part of the Solicitation for Fabrication.

Services Related to Solicitation for Fabrication

1. Consultant shall review and provide feedback on the solicitation document before its release.
2. Consultant shall assist City in identifying qualified Manufacturers to be solicited for the fabrication of the barges.
3. Consultant shall review and offer comments all submittals received to the solicitation for fabrication.
4. Consultant shall provide its professional opinion regarding the quality and responsiveness of any submittals.
5. Consultant hereby agrees that all information it receives (solicitations, proposals, discussions during all meetings) are confidential and cannot be disclosed outside the City's evaluation team, and City management personnel and City Attorney's Office).

Evaluation of City Marinas for Compatibility With Consultants Designs

Consultant shall conduct up to (2) on site reviews of the City's existing marina facilities and shall provide information as requested to coordinate with professional consultants (architect, electrical engineer, etc.) for the retrofitting of the marina to accommodate the electric fleet and its requirements for charging and maintenance.

Further Evaluation of Barges Delivered from Manufacturer

Consultant shall assist City in inspecting and assessing all other barges delivered to City for compliance with the fabrication contract and the design specifications.

Minimum Requirements for Design of the Barges:

1. All-electric, battery-powered.
2. Motor propulsion shall be outboard and concealed as per the design proposal inboard.
3. Shall be designed to last 15-20 years with proper maintenance to be defined in a maintenance manual to be provided by the manufacturer with assistance from Consultant. Exception: electric battery storage and propulsion systems shall be covered by manufacturer's warranty terms for a lifespan as defined by that manufacturer. Consultant

shall design toward a not-to-exceed budget for full fleet manufacturing of \$65,000 per boat, and shall inform the City of projected cost over-runs along with recommendations to remedy such over-runs by modifying the scope of work, quality, quantity, and/or functionality as defined herein.

4. Accommodations for disabled riders, including companion seating for riders in wheelchairs.
5. Accommodations for commuters.
6. Accommodate up to 40 passengers per barge tour.
7. Accommodations for dining and other events.
8. Ability to traverse through the lock with a barge size no larger than 9 feet by 28 feet.
9. Provides a safe ride with minimal wake.
10. Complements City of San Antonio branding.
11. Operate under maximum load for a minimum of 12 hours on a single charge.
12. Be capable of being fully recharged within 10 hours.

Miscellaneous River Boat Design Revisions – not to exceed \$3,000.00

1. Fabrication Documents and Boat Specifications: Address all feedback as it relates to final barge design and incorporate as addenda to the fabrication documents and/or specifications.
2. Boat specifications: Update and reissue specifications that were altered by any changes to the fabrication documents

BETA Barge Feedback, Coordination, and Design Assist – not to exceed \$24,070.00

1. Travel: Travel to Lake Assault facility as needed to oversee production of BETA barge.
2. Fabrication Documents: Address all feedback as it relates to the BETA barge. All scope items agreed upon by the City will be incorporated as addenda to the fabrication documents and/or specifications.
3. Boat specifications: Update and reissue specifications that were altered by any changes to the fabrication documents.
4. Consultant Coordination: Coordinate all necessary consultants as it relates to creation of the addenda to the Fabrication Documents and/or specifications.
5. Technical Advisory: Be available for an on-water test of the BETA barge at Lake Assault facility and onsite in San Antonio for a 3-day workshop with the City, Lake Assault and other stakeholders as determined by City. Metalab staff to address issues as they arise and advise City as to appropriate revisions to be incorporated.

6. Fee Schedule:
 - i. \$19,200.00 – Fixed Professional Services Fee Design & Fabrication Documents
 - ii. \$ 900.00 – Printing Reimbursable Expense (Not to Exceed)
 - iii. \$ 3,144.00 – Travel Reimbursable Expense (Not to Exceed)

Railing Pattern Design – not to exceed \$28,000.00

1. METALAB proposal includes four “papel picado” designs by METALAB, subject to review, feedback and approval by City.
2. Create additional “Branded” railing designs, assuming coordinating with third party graphic design consultant and/or brand management teams to be billed at a fee of \$8,000.00 per design.
3. Fabrication Documents: Drawings to be created and issued as addenda to selected fleet manufacturer.
4. Boat Specifications: A color selection for each railing pattern will be completed and added to project specifications.
5. Consultant Coordination: Coordinate all necessary consultants as it relates to creation of the final railing Fabrication Documents.
6. Fee Schedule:
 - i. \$8,000.00 per “Branded” design, up to 2 additional “Branded” designs
 - ii. \$4,000.00 per design, to substitute one “papel picado” design with one “Branded” design