

**SUPPLEMENTAL AGREEMENT NO. 10
TO
AGREEMENT OF FEBRUARY 20, 2008
FOR
ENGINEERING SERVICES for
Fort Bend Parkway Toll Road Segment B (Phase 1)**

This Supplemental Agreement is made and entered into this 18th day of May, 2011, and modifies the ENGINEERING SERVICES AGREEMENT made with Brown & Gay Engineers, Inc., dated February 20, 2008 for engineering design, environmental assessment, geotechnical and survey services for the extension of the Fort Bend Parkway Toll Road, Segment B (Phase 1).

The agreement is hereby modified as follows:

The Scope of Services are amended to include the additional service as described in Attachment A-1, which are made part of this Supplemental Agreement.


The first sentence of Paragraph 2.a is replaced with the following:

"Compensation for performance of the Services defined in Attachment A-1 will be as follows: The Additional Services compensation shall be increased by \$8,900.00, for the additional work shown in Attachment A-1 which provides for additional archeological deep testing near the Lane Cemetery and periodic on-site supervision during construction. The maximum amount payable under this agreement shall not exceed \$1,347,764.23 for all work except by separate agreement in accordance with the provisions of this agreement."

IN WITNESS WHEREOF, this Supplemental Agreement is hereby executed as of the date first set forth above.

Supplemental Agreement No. 10
To Agreement of February 20, 2008

FORT BEND COUNTY TOLL ROAD
AUTHORITY, a local government
Texas Corporation

By: 
James Condrey
Chairman, Board of Directors

ATTEST:

By: 

Brown & Gay Engineers, Inc.
ENGINEER

By: 

Name: David C. Johnston, P.E.

Title: Senior Vice President

ATTACHMENT A-1
SUPPLEMENTAL AGREEMENT NUMBER 10
Fort Bend Parkway Toll Road, Segment B, Phase 1

SCOPE OF SERVICES
ADDITIONAL ARCHEOLOGICAL DEEP TESTING

Additional archaeological deep testing will be performed with a backhoe near Lane Cemetery, also referred to as the Plantation Road Cemetery, east of the Oyster Creek levee.

All fieldwork will be conducted under existing Texas Antiquities Permit #5342 issued for the project in July 2009, by the Texas Historical Commission (THC). This permit does not expire until July 8, 2014.

The Principal Investigator (PI) will direct and supervise the excavation of between 2 and 4 trenches. As outlined during the onsite meeting in late April, deep testing will occur where placement of rock gabion is proposed south of the cemetery beneath the edge of the proposed westbound lane and immediately adjacent to previously excavated Trench #11 (see Figure 2 of draft report). Additionally, trenches will be placed at the eastern foot of the levee at the present tree line where FBCTRA proposes to install pylons to support a concrete wall southwest of the fenced cemetery boundary.

If the trench is determined to be unsafe for entry, it will be studied from the surface. Typically, mechanically excavated trenches will measure 5 meters (16.5 feet) in length and up to 1 meter (3.3 feet) wide at the base, and will be generally limited to a maximum depth of approximately 2.5 meters (8 feet), upon which any evidence of human interment should be encountered, if present. During trenching, the walls and floor of the trench will be monitored during each pass of the bucket. If any signs of cultural materials are observed, the backhoe bucket will immediately be removed from the trench and the trench floor (if the trench is safe to enter) will be shovel scraped and or troweled by hand to expose artifacts or features. When trench excavation is complete, 1 wall of each trench will be profiled by sketching and the walls of each trench are inspected for color or texture change potentially associated with the presence of cultural features.

All trench excavations will be conducted in compliance with Occupational Safety and Health Administration (OSHA) excavation safety guidelines. An OSHA Certified Competent Person will decide if trenches can or cannot be entered, or if they need to be benched, shored or otherwise secured for safety before being entered for closer inspection.

REPORT REVISIONS AND AGENCY SUBMITTAL

Within 1 week after the completion of all fieldwork, the revised draft report will be submitted. The report will be revised to include the latest methods and results of the additional deep testing; recommendations will be revised accordingly. This report will follow standards set forth by the Texas Council of Archeologists, developed in consultation with the THC. The revised draft report will be provided to the client and to Agency reviewers. Final reports will be provided at the completion of the project.

The report will contain:

- A clear, concise text that includes a description of the project area and a discussion of the natural and cultural history.
- A discussion of the cultural development of the project area placing it within its regional setting. This will incorporate previously inventoried sites in the general project area as well as previous regional research.
- A complete description of the research design and archaeological assessment strategy.

- A detailed description of the results of the investigation in the study area.
- Recommendations for the need for additional cultural resources investigation.
- References listing non-field data will be incorporated in the report with all appropriate appendices.

CONSTRUCTION SUPERVISION

Personnel will meet with the construction contractor and engineer to review limitations and requirements of the USACE permit and THC request for the protective buffer. Personnel will also perform periodic inspections during the construction of the project to verify compliance with the USACE permit and THC request for preservation of the cemetery and protection during and post construction and other associated regulations such as Section 401 and 402 of the Clean Water Act. It is estimated that thirty-five (35) hours of time will be required for inspections.