

STATE OF TEXAS

COUNTY OF FORT BEND

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§

KNOW ALL MEN BY THESE PRESENTS:

**THIRD AMENDMENT TO  
PROFESSIONAL ENGINEERING SERVICES AGREEMENT  
FOR TURN LANE DESIGN IMPROVEMENTS  
CONGESTION MITIGATION – Mobility Project X23  
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1**

THIS THIRD AMENDMENT is made and entered into by and between Fort Bend County, Texas, a public body corporate and politic of the State of Texas, acting herein by and through its Commissioners Court, hereinafter “County,” Fort Bend County Assistance District No. 1, a public body corporate and politic of the State of Texas, acting herein by and through its Board of Directors, hereinafter “CAD No. 1,” and Progressive Consulting Engineers, PLLC, hereinafter referred to as “Engineer,” authorized to conduct business in the State of Texas, collectively referred to herein as the “Parties,” and

WHEREAS, the Parties entered an Agreement for Professional Engineering Services for roadway turn lane improvements at six (6) intersections: Fry Road at Seven Meadows Blvd., Fry Road at Grand Parkway (SH 99), S-Concrete Curve at the Whole Foods Market Driveway, Westheimer Parkway at Grand Parkway (SH 99), Westheimer Parkway at Cinco Ranch Blvd., and Westheimer Parkway at Commercial Center Drive, located in Fort Bend County, Texas, hereinafter referred to as the “Project;” dated December 18, 2012, hereinafter referred to as the “Agreement;” and

WHEREAS, the Parties entered into the First Amendment to the Agreement for Professional Engineering Services, dated May 30, 2013, hereinafter referred to as the “First Amendment”, and the Second Amendment to the Agreement for Professional Engineering Services, dated May 13, 2014, hereinafter referred to as the “Second Amendment” to memorialize modifications to the services necessary to complete the Project; and

WHEREAS, County, CAD No. 1 and Engineer desire to further amend said Agreement for additional services to be provided and increase the total maximum compensation to complete the additional services.

NOW, THEREFORE, in consideration of the foregoing, the Agreement between County, CAD No. 1 and Engineer is hereby amended as follows:

- A. Services to be rendered under the Agreement shall be amended to add construction support services for the Project, as described in the Proposal dated December 9, 2015, attached hereto as Exhibit A, incorporated herein for all purposes.
- B. Engineer’s compensation for the Project shall not exceed \$215,968.00; which includes an increase of \$39,300.00 for the additional services added under the First Amendment, a reduction of \$307.00 under the Second Amendment, and an

additional \$10,000.00 under this Third Amendment from the original not to exceed amount of \$166,975.00 under the Agreement.

- C. This Third Amendment shall extend the Time of Performance under the Agreement to expire on December 1, 2016.
- D. No additional funding shall be available for services provided under the Agreement without prior written consent of County.
- E. Except as modified herein, the Agreement, the First Amendment, and the Second Amendment remain in full force and effect and has not been modified or amended.
- F. If there is a conflict between this Third Amendment, the Agreement and prior amendments, the provisions of this Third Amendment shall prevail.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]

## EXECUTION

This Third Amendment shall become effective upon execution by County.

FORT BEND COUNTY

ATTEST:

\_\_\_\_\_  
Robert E. Hebert, County Judge

\_\_\_\_\_  
Laura Richard, County Clerk

\_\_\_\_\_  
Date

APPROVED:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Richard W. Stolleis, P.E., County Engineer

\_\_\_\_\_  
Assist County Attorney

FORT BEND COUNTY ASSISTANCE  
DISTRICT NO. 1

\_\_\_\_\_  
Robert E. Hebert, County Judge

\_\_\_\_\_  
Date

PROGRESSIVE CONSULTING ENGINEERS, PLLC

M. Irfan.  
Mohammad Irfan, P.E., PTOE

1/06/2016  
Date

## AUDITOR'S CERTIFICATE

I hereby certify that funds are available in an amount of \$215,968.00 to accomplish and pay the obligation of the Fort Bend County under this contract.

\_\_\_\_\_  
Ed Sturdivant, Fort Bend County Auditor

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# EXHIBIT A

December 9, 2015

Mr. Rick J. Staigle, PE, PTOE  
First Assistant County Engineer  
301 Jackson Street  
Richmond, Texas 77469

Re: Fee Proposal for Construction Support Services for Congestion Mitigation Project  
/Intersection Geometric Design Improvements at Various Intersections.

Dear Mr. Staigle:

Progressive Traffic & Transportation (PTT) appreciates the opportunity to submit this proposal for construction support services for the subject project. Our scope of construction services is outlined below:

Scope of Construction Support Services

- Review contractor submittals
- Review contractor shop drawings
- Address request for information (RFIs)
- Perform field visits as requested by the County
- Attend construction meetings
- Review contractor invoices
- Recommend and revise traffic control plans or other roadway plans if needed

The budget for the above services is \$10,000.00 or total 60 hours at a rate of \$166.67/hour for Principal Engineer/Senior Project Manager with minimum 2.5 hours every field trip/meeting. This hourly rate includes all direct and indirect cost.

Progressive Traffic & Transportation can assure its commitment to you for services that will exceed your expectations.

Please call me if you should have any questions. Thank you for the opportunity to serve you.

Sincerely,

**Mr. Rick J. Staigle, PE, PTOE**

**Page 2 of 2**

**December 9, 2015**

*Progressive Traffic & Transportation*

*M. Irfan*

**Agreed and accepted:**

Mohammad Irfan, P.E., PTOE  
President & Principal Engineer

16360 Park Ten Pl, Suite# 106  
Houston, Texas 77084  
Tel: (281) 630-5485 (Cell),  
281-206-7494 (Main)  
(281) 206-7495, Ext 104

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Signature

Date

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Print name & Title

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2016-2385

Date Filed:  
01/11/2016

Date Acknowledged:

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Progressive Traffic & Transportation  
Houston, TX United States

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**

Fort Bend County

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.**

Mobility Bond Project X23  
Construction Support Services for Mobility Bond Project X23

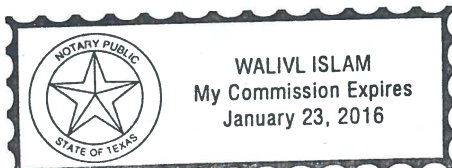
4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

**5 Check only if there is NO Interested Party.**



**6 AFFIDAVIT**

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



AFFIX NOTARY STAMP / SEAL ABOVE

*M. Rahman*

Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Mohammad Irjen, this the 12th day of January, 2016, to certify which, witness my hand and seal of office.

*[Signature]*

Signature of officer administering oath

*Walivl Islam*

Printed name of officer administering oath

*Notary Public*

Title of officer administering oath