

STATE OF TEXAS                    §  
  §  
COUNTY OF FORT BEND           §

**FOURTH AMENDMENT TO  
PROFESSIONAL ENGINEERING SERVICES AGREEMENT  
PROJECT NO. 709 – GOLFVIEW DRIVE**

**THIS FOURTH AMENDMENT**, is made and entered into by and between Fort Bend County (hereinafter "County"), a body corporate and politic under the laws of the State of Texas, and Kelly R. Kaluza & Associates, Inc., (hereinafter "Engineer"), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Professional Engineering Services Agreement on August 23, 2011, (hereinafter "Agreement"), a First Amendment dated May 8, 2012, (hereinafter "First Amendment"), a Second Amendment to the Professional Services Agreement dated May 7, 2013, (hereinafter "Second Agreement") and a subsequent Third Amendment to the Professional Services Agreement dated March 24, 2015, (hereinafter "Third Amendment"); and

WHEREAS, the parties desire to further amend the Agreement to include additional construction phase services and increase the maximum compensation for such services.

**NOW, THEREFORE**, the parties do mutually agree as follows:

1. Services to be rendered under the Agreement shall be amended to add additional construction phase services as described in the Scope of Work attached hereto as Exhibit A, and incorporated herein for purposes.
2. County shall pay Engineer an additional twenty-nine thousand eight hundred ninety dollars and no/100 (\$29,890.00), for the additional construction phase services to be rendered under this Amendment.
3. The Maximum Compensation payable to Engineer for Services rendered is hereby increased to an amount not to exceed eight hundred fifty-one thousand seven hundred dollars and no/100 (\$851,700.00), authorized as follows:
  - A. \$600,000.00 under the Agreement;
  - B. \$77,000.00 under the Amendment;
  - C. \$60,000.00 under the Second Amendment;
  - D. \$84,810.00 under the Third Amendment; and
  - E. \$29,890.00 under this Fourth Amendment.
4. In no case shall the amount paid by County for all Services under the Agreement and any subsequent amendment thereof exceed the Maximum Compensation without agreement executed by the parties.

Except as provided herein, all terms and conditions of the Agreement, the First, Second, and Third Amendments shall remain unchanged.

FORT BEND COUNTY

KELLY R. KALUZA & ASSOCIATES, INC.

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

  
\_\_\_\_\_  
Larance L. Turner, R.P.L.S., President


\_\_\_\_\_  
Date

3-24-2016  
\_\_\_\_\_  
Date

ATTEST:

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

APPROVED:

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

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Marcus D. Spencer, First Assistant County Attorney

**AUDITOR'S CERTIFICATE**

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

\_\_\_\_\_  
Robert Ed Sturdivant, County Auditor

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# EXHIBIT A

**ATTACHMENT "A"**

**FORT BEND COUNTY  
CONSTRUCTION PHASE SERVICES ON GOLFVIEW DRIVE -  
PAVING, DRAINAGE AND UTILITY IMPROVEMENTS  
AND RABBS BAYOU IMPROVEMENTS  
FORT BEND COUNTY, TEXAS**

**SCOPE OF WORK FOR PROFESSIONAL ENGINEERING AND SURVEYING SERVICES  
FOR FORT BEND COUNTY, TEXAS**

The following scope of work consists of the Professional Engineering and Surveying Services to be provided to Fort Bend County, hereinafter called "COUNTY", and by Kelly R. Kaluza & Associates, Inc., hereinafter called "ENGINEER".

**Scope of Work**

Base engineering and surveying services and related additional project services for the project are summarized as follows:

**I. Additional Construction Phase Services for Golfview Drive**

**A. Additional Construction Phase Services – Paving and Drainage**

- Project Meetings
- Coordination with City of Richmond and Administration
- Review and Approve Pay Request
- Review Submittals
- Verify Storm Sewer Backfill Operation
- Verify Drainage Structures Backfilled Properly
- Observe Subgrade Preparation Operation
- Inspect Forms and Steel Prior to Concrete Pour
- Observe Concrete Pavement Installation
- Inspect Forms and Steel for Concrete Curb Installation
- Final Inspection

**A. Fee for Construction Phase Services -  
Paving and Drainage = \$ 29,890.00**

**TOTAL ENGINEERING FEES = \$ 29,890.00**

**Additional Services**

If authorized by COUNTY, ENGINEER will furnish the following Additional Services that are not considered a normal or customary part of the Scope of Work. Additional Services shall be paid for on an hourly basis at the rate shown in the Schedule of Hourly Rates by Personnel Classification (Attachment "B"). Separate budgets will be established for any Additional Services authorized by the COUNTY.

NO ADDITIONAL SERVICES ARE ANTICIPATED FOR THIS PROJECT AT THIS TIME.

1. Services resulting from significant changes in the general scope of the project.
2. Revisions to previously approved plans, reports, traffic studies, or other project documents.
3. New and/or additional acquisition activities resulting from unknown needs prior to project initiation, site changes, and/or condemnation proceedings.
4. Assistance to the COUNTY as an expert witness in any litigation with third parties, arising from the development or construction of the project, including preparation of engineering data and reports.
5. Services after issuance of Certificate of Completion, and any other special or miscellaneous assignments specifically authorized by the COUNTY.

**Schedule**

Schedule for Construction Phase activities will be determined by the COUNTY.

**Compensation**

Engineering and surveying services to be provided under this contract shall be compensated as outlined below.

**I. Additional Construction Phase Services on Golfview Drive - Paving, Drainage and Utility Improvements and Rabbs Bayou Improvements, Fort Bend County, Texas**

A. Additional Construction Phase Services – Paving and Drainage -     \$ 29,890.00

**Total Engineering and Surveying Fees =                     \$ 29,890.00**

ENGINEER will invoice COUNTY on a monthly basis for services rendered during the preceding month. Invoices will be based on the ENGINEER's estimate of percentage completion to date of invoice.

COUNTY agrees to remit ENGINEER's invoices in full within thirty (30) days of receipt.

**ATTACHMENT "B"**

**SCHEDULE OF HOURLY CHARGES BY PERSONNEL CLASSIFICATION**  
Effective June, 2013

**KELLY R. KALUZA & ASSOCIATES, INC.**  
**CONSULTING ENGINEERS, SURVEYORS, AND PLANNERS**

The charges for professional Engineering, Surveying, and Drafting services are based on the following daily or hourly rates:

**ENGINEERING, SURVEYING, AND DRAFTING**

Principal.....	\$ 175.00/Hour
Sr. Project Manager.....	\$ 150.00/Hour
Project Manager.....	\$ 145.00/Hour
Survey Manager.....	\$ 140.00/Hour
Project Engineer.....	\$ 110.00/Hour
Project Surveyor.....	\$ 90.00/Hour
Sr. Designer.....	\$ 90.00/Hour
Designer.....	\$ 80.00/Hour
CAD Technician.....	\$ 70.00/Hour
Contract Coordinator.....	\$ 65.00/Hour
Secretarial.....	\$ 60.00/Hour
Field Party (2 Men).....	\$ 120.00/Hour
Field Party (3 Men).....	\$ 140.00/Hour
Field Party (4 Men).....	\$ 150.00/Hour
Construction Observation.....	\$ 750.00/Day

**ADDITIONAL EXPENSES**

1. Reproduction Work - At prevailing commercial rate.
2. Field Note Descriptions - \$70.00/Set.
3. ATV Rental - \$115.00/Day.
4. Other Consultants at actual cost.
5. All Other Expenses at actual cost.
6. Global Positioning System (GPS) Surveying an additional charge of \$25.00 per hour will be charged for equipment.

**Charges are due and payable within thirty (30) days after receipt of invoice.**  
**Interest will be charged at the rate of 1.5% per month for late payments.**

**KELLY R. KALUZA & ASSOCIATES, INC.**  
*Consulting Engineers & Surveyors*  
Engineering Firm No. F-1339 Surveying Firm No. 10010000  
3014 Avenue I, Rosenberg, Texas 77471  
Phone: (281) 341-0808  
Fax: (281) 341-6333

# 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:  
 2016-31862

Date Filed:  
 03/29/2016

Date Acknowledged:

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

Kelly R. Kaluza & Associates, Inc.  
 Rosenberg, 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.**

Vendor No. 13647  
 Fourth Amendment to 2007 Mobility Bond Project No. 709 Golfview Drive (Engineering & Surveying)

**4**

Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Turner, Llarance	Rosenberg, TX United States	X	
Griffith, Charles T.	Rosenberg, TX United States	X	
Oliver, Lori	Rosenberg, TX United States	X	

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.



*Llarance Turner*  
 Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Llarance Turner, this the 29<sup>th</sup> day of march, 20 16, to certify which, witness my hand and seal of office.

Lori Oliver Signature of officer administering oath  
Lori Oliver Printed name of officer administering oath  
Notary Public Title of officer administering oath