

STATE OF TEXAS

COUNTY OF FORT BEND

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KNOW ALL MEN BY THESE PRESENTS:

FIFTH AMENDMENT TO AGREEMENT FOR ENGINEERING SERVICES

THIS FIFTH 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 by and through the Fort Bend County Commissioners Court (hereinafter referred to as "County") and KLOTZ ASSOCIATES, INC., (hereinafter referred to as "Engineer,") authorized to conduct business in the State of Texas.

RECITALS

WHEREAS, on or about March 4, 2008, County and Engineer entered into an Agreement for Engineering Services, (hereinafter referred to as the "Agreement"), for general engineering consulting services related to the 2007 Mobility Bond Project, (hereinafter referred to as the "Project"); and,

WHEREAS, County and Engineer entered into a First Amendment to the Agreement on August 25, 2009 (hereinafter referred to as "First Amendment"), the Second Amendment dated February 10, 2015, (hereinafter referred to as "Second Amendment"), the Third Amendment dated September 1, 2015, (hereinafter referred to as "Third Amendment"), and the Fourth Amendment dated April 5, 2016, (hereinafter referred to as "Fourth Amendment") to allow for additional general engineering consulting services; and,

WHEREAS, County and Engineer desire to further amend said Agreement to add professional engineering and project management services related to the 2007 Mobility Bond Projects.

NOW, THEREFORE, in consideration of the foregoing, the Agreement between County and Engineer is hereby amended as follows:

1. An additional amount not-to-exceed \$350,000.00 shall be available for additional services as described the Proposal for Supplemental Services attached hereto as Exhibit A to be provided by Engineer as requested by County.
2. Engineer's compensation for the Project shall not exceed a total maximum compensation in an amount not to exceed \$1,668,269.36, authorized as follows:
 - a. Original Agreement not to exceed: \$300,000.00;
 - b. First Amendment not to exceed: \$211,834.68;
 - c. Second Amendment not to exceed: \$341,434.68;
 - d. Third Amendment not to exceed: \$145,000.00;
 - e. Fourth Amendment not to exceed: \$320,000.00; and this
 - f. Fifth Amendment not to exceed: \$350,000.00.
3. No additional funding shall be available for services provided under the Agreement without prior written consent of County.
4. The parties agree, except as modified herein, terms provided in the Agreement and subsequent Amendments remain in full force and shall continue until December 31, 2018.
5. If there is a conflict between this Fifth Amendment, the Agreement, and/or the subsequent Amendments, the provisions of this Fifth Amendment shall prevail.

EXECUTION

This Fifth Amendment shall become effective upon execution by County.

FORT BEND COUNTY, TEXAS:

Robert E. Hebert, County Judge

Date

ATTEST:

Laura Richard, County Clerk

APPROVED: COUNTY ENGINEER

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

Date

12/13/16

ENGINEER: KLOTZ ASSOCIATES, INC.

Authorized Agent – Signature

Date

12/7/16

Authorized Agent – Printed Name and Title

William R. Abbott Senior Vice President

AUDITOR'S CERTIFICATE

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

Robert Ed Sturdivant, County Auditor

EXHIBIT A



1160 Dairy Ashford, Suite 500, Houston, Texas 77079

T 281 589 7257 E email@klotz.com W www.rpsgroup.com | www.klotz.com

November 29, 2016

Mr. Richard Stolleis, PE
Fort Bend County Engineering
301 Jackson Street, 4th Floor
Richmond, Texas 77469

Re: Proposal for Supplemental Services on the 2007 Bond Projects
(PO # 13703)
Klotz Associates Project No.: 0262.014.000

Dear Mr. Stolleis:

We appreciate the opportunity to work with the County as Project Manager on the 2007 Bond Program projects. We have worked hard to be responsive to your needs, but we have expended the fees allocated to us previously and request that additional fee be added to our contract to provide construction phase services and redesign for the Trammel Fresno (746) project.

Based on the level of effort expended recently we propose the following scope and fee on a time and material basis, which we expect will carry the project through 2017:

Trammel Fresno Construction Phase Services	\$ 100,000
<u>Trammel Fresno Design Revisions</u>	<u>\$ 250,000</u>
Total Services:	\$ 350,000

If you need additional information, please feel free to call me at 281.589.7257.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Durgin".

Donald M. Durgin, P.E.
Transportation Practice Manager

DMD

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

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

Klotz Associates, Inc. dba RPS Klotz Associates
Houston, TX United States

Certificate Number:
2016-143729

Date Filed:
12/07/2016

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

Date Acknowledged:

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 services, goods, or other property to be provided under the contract.

PO13703
2007 Mobility Bond projects within Precincts 1,2,3 and 4

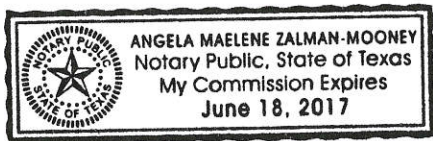
4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

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.



Don Durgin

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Don Durgin, this the 7th day of December, 2016, to certify which, witness my hand and seal of office.

Angela Zalman-Mooney
Signature of officer administering oath

Angela Zalman-Mooney
Printed name of officer administering oath

Administrative Assistant
Title of officer administering oath



Fort Bend County Engineering
FORT BEND COUNTY, TEXAS

Richard W. Stolleis, P.E.
County Engineer

MEMORANDUM

December 20, 2016

TO: Members of the Commissioners Court

RE: Klotz Associates 5th Amendment – Project Management, 2007 Mobility

The total cost of the Amendment is \$350,000. The funding will be transferred from the following project:

No.	Project	Proposed Fee
13203	Chimney Rock	350,000