

STATE OF TEXAS                   §  
   §  
COUNTY OF FORT BEND       §

**THIRD AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL ENVIRONMENTAL SERVICES**

**THIS THIRD 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 SWCA Environmental Consultants, (hereinafter "Contractor"), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Agreement for Professional Environmental Services on December 16, 2014, (hereinafter "Agreement") pursuant to SOQ 14-025; as amended by instruments dated October 6, 2015 (hereinafter "Amendment") and March 22, 2016 (hereinafter "Second Amendment"); and

WHEREAS, the parties desire to further amend the Agreement to include additional services specifically related to the Lake Olympia Parkway Project No. 132207.

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

1. Services to be rendered under the Agreement shall be amended to cover the environmental consulting services necessary to prepare appropriate documentation to request an Approved Jurisdictional Determination (ADJ) from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act (CWA) for a Section 404 permit, as described in the Proposal dated July 21, 2017, attached hereto as Exhibit A, incorporated herein for all purposes.
2. County shall pay Contractor an additional thirty-nine thousand dollars and no/100 (\$39,000.00), for the additional professional environmental services, specifically described as Tasks 1 – 3 on Exhibit A to be rendered under this Amendment.
3. The Maximum Compensation payable to Contractor for Services rendered is hereby increased to an amount not to exceed one hundred eighty-eight thousand nine hundred eighty-eight dollars and no/100 (\$188,988.00), authorized as follows:
  - A. \$35,846.00 under the Agreement;
  - B. \$43,100.00 under the Amendment;
  - C. \$71,042.00 under the Second Amendment; and
  - D. \$39,000.00 under this Third Amendment.
4. In no case shall the amount paid by County for all Services under the Agreement, the Amendment, the Second Amendment, and this Third Amendment, exceed the Maximum Compensation without a written agreement executed by the parties.

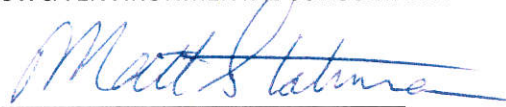
5. The Time of Performance is extended to end no later than twenty-four (24) months after Contractor's receipt of Notice to Proceed issued by County under this Third Amendment.

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

FORT BEND COUNTY

SWCA ENVIRONMENTAL CONSULTANTS

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

  
\_\_\_\_\_  
Matt Stahman, Principal

\_\_\_\_\_  
Date

9/14/2017  
\_\_\_\_\_  
Date

ATTEST:

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

APPROVED:

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

#### 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

# EXHIBIT A



Proposal/Cost Estimate for Wetland Delineation and Reporting, Cultural Resource Constraints Analysis, and Permitting Assessment for Proposed Construction of Lake Olympia Parkway (Segment 1) between Hurricane Lane and Chimney Rock (FB Project 13207)

and other water bodies are present within the project site, an AJD for the project site will identify and delineate those wetlands and waterbodies that are subject to CWA/RHA jurisdiction, and serve as an initial step in the permitting process. A definitive, official determination that there are, or that there are not, jurisdictional "waters of the United States" in the project site can only be made by an AJD. SWCA will assist FBCED with initiating this first step in the permitting process by providing a complete AJD form for the project site.

SWCA will update the current delineation report that summarizes the methods and findings of the wetland delineation performed in the field for the revised proposed ROW established July 2017. SWCA will prepare updated aerial and topography-based exhibits depicting the new location of any mapped waters of the United States, including wetlands and their boundaries, found within the revised project ROW. The updated report will include descriptions and acreages of all wetlands and non-wetland waters and a preliminary analysis as to whether each potential water of the United States is jurisdictional under the CWA. Copies of data sheets and site photographs will also be included in the report.

The report will provide sufficient data suitable for verification by the USACE. SWCA will submit one hard copy and one electronic copy of the report to both the USACE along with the AJD form and FBCED. The report will also assist in determining Section 404 permitting requirements for the project.

SWCA will submit an AJD request to the USACE to review and verify the boundaries of our delineation of wetlands and other waters of the United States in the project site. If requested by the USACE, SWCA will conduct a site visit with the USACE to verify the wetland delineation within the project site. SWCA will flag any wetlands or waters prior to the site visit, as is typically required by the USACE. SWCA will meet the USACE at the project site and review/discuss the results of the submitted wetland delineation report, escorting the USACE to the delineated potential waters of the United States, including wetlands.

## **TASK 2 – CLEAN WATER ACT (SECTION 404) USACE NATIONWIDE PERMIT PCN FOR NWP 14 AND FUNCTIONAL ASSESSMENT**

This task includes any edits or changes the USACE may request to wetland/waters boundaries previously identified. SWCA will incorporate any changes once the field verification is complete into the report/addendum and resubmit the report to the USACE. If it is determined during the permitting assessment that the proposed project would require a PCN, SWCA will prepare a PCN package to submit to the USACE Galveston District. The PCN document will address the following application requirements:

1. Identification of the applicant
2. Point-of-contact
3. Project description, location, and purpose
4. Identification of adjacent property owners
5. Site photographs
6. Direct and indirect environmental effects of the regulated activity
7. Avoidance and minimization efforts
8. Proposed mitigation plan (see Task 4 below)
9. Wetland delineation report
10. AJD Form



Proposal/Cost Estimate for Wetland Delineation and Reporting, Cultural Resource Constraints Analysis, and Permitting Assessment for Proposed Construction of Lake Olympia Parkway (Segment 1) between Hurricane Lane and Chimney Rock (FB Project 13207)

## COST ESTIMATE SUMMARY

SWCA's cost estimate, listed by task, is provided in the table below. **The TOTAL LUMP SUM AMOUNT for these tasks is \$39,000.** Invoicing will be once per month.

Table 1. Cost estimate by task.

TASK	DESCRIPTION	COST
1	USAGE AJD Form, Updated Wetland Delineation Report, Wetland Flagging and Verification	\$19,223
2	Pre-construction notification (PCN) and Functional Assessment	\$17,176
3	Wetland Mitigation Plan	\$2,601
TOTAL		\$39,000

If you have any questions or require any additional information, please call 281.617.3217 or e-mail (kwinkler@swca.com). Thank you for the opportunity to assist with this project.

Sincerely,

Kerry Winkler  
Senior Project Manager

# 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:  
2017-261009

Date Filed:  
09/14/2017

Date Acknowledged:

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

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

14-025  
Environmental services for various 2013 Mobility Bond Projects in Fort Bend County

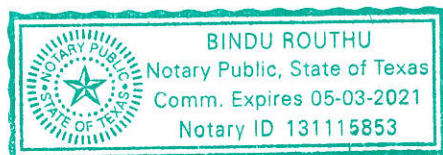
4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

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

*Matthew G. Stahman*

Signature of authorized agent of contracting business entity  
Matthew G. Stahman, SWCA Environmental Consultants

Sworn to and subscribed before me, by the said MATTHEW G. STAHMAN, this the 15<sup>th</sup> day of Sept, 2017, to certify which, witness my hand and seal of office.

*Bindu Routhu*

Signature of officer administering oath

BINDU ROUTHU

Printed name of officer administering oath

NOTARY PUBLIC

Title of officer administering oath