

STATE OF TEXAS §
COUNTY OF FORT BEND § KNOW ALL BY THESE PRESENTS:
§

SOQ 14-027
FIFTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
NINYO & MOORE

THIS FIFTH 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 Ninyo & Moore, (hereinafter "Contractor"), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties have executed and accepted that certain Agreement for Professional Services, on or about October 28, 2014, and as amended on or about December 2, 2014, September 26, 2017, January 23, 2018, and July 3, 2018 (the "Agreement"); and

WHEREAS, the Notice to Proceed was issued on October 14, 2015, which commenced the start of this Agreement; and

WHEREAS, the following changes are incorporated as if a part of the original Agreement and incorporated by reference in the same as if fully set forth verbatim herein;

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

1. The Scope of Services related to the Bamore Road Extension project is amended to include those services described in the attached Exhibit A "Scope of Services".
2. There shall be no change in the Maximum Compensation of three hundred four thousand eight hundred dollars and no cents (\$304,800.00)
3. In no case shall the amount paid by County for all Services under the Agreement and this Fifth Amendment exceed the Maximum Compensation without written agreement executed by both parties.

Except as provided herein, all terms and conditions of the Agreement, including any addenda or amendments, not modified shall remain in full force and effect. If there is a conflict between this Fifth Amendment and the Agreement, the provisions of this Fifth Amendment shall prevail with regard to the conflict.

{Execution Page Follows}

IN WITNESS WHEREOF, the parties put their hands to this Amendment on the dates indicated below.

FORT BEND COUNTY

NINYO & MOORE

KP George, County Judge



Authorized Agent- Signature

Date

Jay Sunderwala

Authorized Agent- Printed Name

ATTEST:

Managing Principal Engineer

Title

Laura Richard, County Clerk

August 8, 2019

Date

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: NOTICE OF CHANGE LETTER DATED JULY 18, 2019

EXHIBIT A

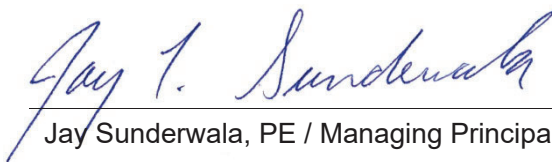
NOTICE OF CHANGE**Project Name:** Bus Maintenance Facility Bamore Road Extension**Project No.:** 700792001**Date:** July 18, 2019

This transmittal is to provide written authorization associated with additional fees related to the above referenced project.

Based on our review of reports, production during construction of the utilities and paving was slower than anticipated. This resulted in fourteen (14) additional field visits for soils, four (4) additional field visits for concrete testing and additional test specimens than proposed in our original estimate.

We appreciate the opportunity to be of service to you on this project.

Original Authorized Budget:	\$33,900.00
Previous Change:	\$0.00
Current Change:	\$15,400.00
New Authorized Budget:	\$49,300.00

Ninyo & Moore**Representative:**


Jay Sunderwala, PE / Managing Principal Engineer

7/18/19

Date

Client**Representative:**

Mr. Rick Staigle, PE, PTOE / First Assistant County Engineer

Date

Table 1 - Breakdown of Estimated Fee

Earthwork

Field Technician

Soils Testing	14 days @ 8	hours/day @ \$ 60.00 /hour	\$ 6,720.00
Soils Testing Overtime	3 days @ 2	hours/day @ \$ 90.00 /hour	\$ 540.00
Vehicle Usage Charge	118	hours @ \$ 10.00 /hour	\$ 1,180.00
Nuclear Density Gauge	118	hours @ \$ 12.00 /hour	\$ 1,416.00
Laboratory Testing			
200 Wash	1	sample @ \$ 45.00 /sample	\$ 45.00
Atterberg Limits	3	samples @ \$ 55.00 /sample	\$ 165.00

Subtotal \$ 10,066.00

Concrete

Field Technician Paving/Sidewalks	4 days @ 8	hours/day @ \$ 60.00 /hour	\$ 1,920.00
Cylinder Pick Ups (no charge if already onsite)	4 days @ 4	hours/day @ \$ 60.00 /hour	\$ 960.00
Vehicle Usage Charge	48	hours @ \$ 10.00 /hour	\$ 480.00
Compression Tests of Cylinders, C39	28	each @ \$ 15.00 /each	\$ 420.00

Subtotal \$ 3,780.00

Engineering Review, Consultation and Data Processing

Principal Engineer	1	hour @ \$ 180.00 /hour	\$ 180.00
Project Manager	10	hours @ \$ 90.00 /hour	\$ 900.00
Data Processor	10	hours @ \$ 45.00 /hour	\$ 450.00

Subtotal \$ 1,530.00

TOTAL ESTIMATED FEE

\$ 15,376.00