

STATE OF TEXAS                   §  
  §  
COUNTY OF FORT BEND       §

**FIRST AMENDMENT TO AGREEMENT FOR AUDIT SERVICES  
BETWEEN WHITLEY PENN LLP AND FORT BEND COUNTY  
PURSUANT TO FBC RFP 20-083**

**THIS 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 Whitley Penn, LLP (hereinafter "Contractor"), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain *Agreement For Audit Services Between Whitley Penn LLP And Fort Bend County Pursuant To FBC RFP 20-083* on September 22, 2020, (hereinafter "Agreement") which is incorporated by reference;

WHEREAS, the parties desire to amend the Agreement to extend the Time of Performance and increase the total Maximum Compensation under the Agreement for the completion of such additional services to be provided thereunder;

WHEREAS, County desires that Contractor provide professional Audit Services (hereinafter "Services") pursuant to FBC RFP 20-083 ; and

WHEREAS, Contractor represents that it is qualified and desires to perform such services;

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

- ~~1. County shall pay Contractor an additional \$45,250.00 to continue~~ providing Services under the terms and conditions of the Agreement.
2. The Maximum Compensation payable to Contractor for Services rendered is hereby increased to an amount not to exceed 226,250.00, authorized as follows:  
      \$181,000.00 under the Agreement; and  
      \$45,250.00 under this Amendment.
3. In no case shall the amount paid by County for all Services under the Agreement and this Amendment exceed the Maximum Compensation without written agreement executed by both parties.

4. The parties agree the terms and conditions of the Agreement have remained in effect to date and are hereby extended to end no later than July 31, 2023.

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

FORT BEND COUNTY

\_\_\_\_\_  
KP George, County Judge

\_\_\_\_\_  
Date

WHITLEY PENN, LLP

  
\_\_\_\_\_  
Authorized Agent - Signature

Christopher L. Breaux  
\_\_\_\_\_  
Authorized Agent - Printed Name

Partner  
\_\_\_\_\_  
Title

3 June 2021  
\_\_\_\_\_  
Date

ATTEST:

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

### 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

i:\agreements\2021 agreements\auditor\wp\whitley penn audit fbc 6.1.2021 - kcj

## Sturdivant, Ed

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**From:** Christopher Breaux <Christopher.Breaux@whitleypenn.com>  
**Sent:** Friday, April 30, 2021 12:26 PM  
**To:** Sturdivant, Ed  
**Subject:** Request for Contract Amendment

Ed,

We always appreciate your team's great enthusiasm, time and effort put into the financial reporting and audit process. This year effort was even more impressive with all that has been thrown at you and the additional tasks your office has taken on.

Based on an analysis of the time devoted to the County audit by our staff, we have underestimated the time and resources needed to complete the project. Most of the excess time had to do with CARES Act funding testing and related matters to include remote interfacing with the County's system (which will prove helpful in the future). We respectfully request to amend our original contract to include a 25% increase to partially recover our work. Below is our analysis:

Fort Bend County Contract (original)	\$ 181,000
Additional time expended relating primarily to CARES Act testing (non-forensic portion)	76,336
Proposed discount	<u>(31,086)</u>
Contract amendment proposal (25% of original)	<u>\$ 45,250</u>

Thank you for your consideration of this matter.

Sincerely,

Christopher L. Breaux, CPA

Partner - Audit Services

[christopher.breaux@whitleypenn.com](mailto:christopher.breaux@whitleypenn.com)

713.386.1113 direct

713.906.0250 mobile

**whitleypenn** 

Austin Dallas FortWorth Houston Midland

[whitleypenn.com](http://whitleypenn.com)



**CAUTION:**

This email originated from outside of the organization. [Christopher.Breaux@whitleypenn.com](mailto:Christopher.Breaux@whitleypenn.com). Do not click links, open attachments, or respond unless you recognize the sender and know the content is safe. Please forward suspicious emails to the IT Service Desk.

## **EXHIBIT A**

WHITLEY PENN, LLP, EMAIL  
(Dated April 30, 2021)

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# 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.

Whitley Penn, LLP  
Houston, TX United States

Certificate Number:  
2021-761274

Date Filed:  
06/03/2021

Date Acknowledged:

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.

FBC RFP 20-083 Amendment 1  
Audit Services

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.



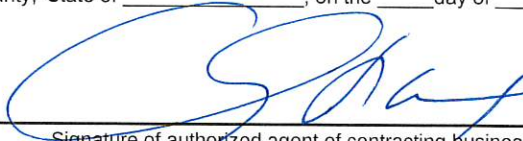
## 6 UNSWORN DECLARATION

My name is Christopher L. Breaux, and my date of birth is 11/18/1961.

My address is 3737 Buffalo Speedway #1600 Houston TX 77098 USA!  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of Texas, on the 3rd day of June, 2021.  
(month) (year)

  
\_\_\_\_\_  
Signature of authorized agent of contracting business entity  
(Declarant)