

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND   §

**AMENDMENT TO AGREEMENT FOR  
CONSTRUCTION MATERIALS TESTING**

**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 Earth Engineering, Inc., (hereinafter “Contractor”), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Agreement for Construction Materials Testing on May 25, 2021 pursuant to SOQ 14-025, (hereinafter “Agreement”); and

WHEREAS, the parties desire to amend the Agreement to allow Contractor to provide additional Services under the Agreement.

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

1. County shall pay Contractor an additional amount not to exceed twenty-eight thousand forty-five dollars and 05/100 (\$28,045.05) to perform the additional Services, as described in Contractor’s Change Order Request dated July 28, 2022 attached hereto as Exhibit “A” and incorporated herein for all purposes.
2. The Maximum Compensation payable to Contractor for all Services rendered is hereby increased to an amount not to exceed fifty-six thousand four hundred forty-eight dollars and 05/100 (\$56,448.05), authorized as follows:  
      \$28,403.00 under the Agreement; and  
      \$28,045.05 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 an agreement executed by the parties.
4. BY ACCEPTANCE OF AGREEMENT, CONTRACTOR ACKNOWLEDGES THAT THE COUNTY IS OPPOSED TO HUMAN TRAFFICKING AND THAT NO COUNTY FUNDS WILL BE USED IN SUPPORT OF SERVICES OR ACTIVITIES THAT VIOLATE HUMAN TRAFFICKING LAWS.

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

IN WITNESS WHEREOF, the parties hereto have signed or have caused their respective names to be signed to multiple counterparts to be effective on the date signed by the final party.

FORT BEND COUNTY

EARTH ENGINEERING, INC

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

  
\_\_\_\_\_  
Authorized Agent – Signature

\_\_\_\_\_  
Date

Moe A. Shihadeh, P.E. D. GE  
\_\_\_\_\_  
Authorized Agent – Printed Name

ATTEST:

Principal / Diplomate Geotechnical Engineering  
\_\_\_\_\_  
Title

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

11-15-2022  
\_\_\_\_\_  
Date

APPROVED:



\_\_\_\_\_  
J. Stacy Slawinski, 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



# EARTH ENGINEERING, INC.

Geotechnical, Materials Testing & Environmental Consultants  
4877 Langfield Road • Houston, TX 77040 • T: (713) 681-5311 • F: (713) 681-5411 • [www.eartheng.com](http://www.eartheng.com)

## CHANGE ORDER REQUEST

July 28, 2022

Stacy Slawinski  
County Engineer  
301 Jackson Street  
Richmond, Texas 77469

Proposal No.: P-EE-2135004-C

Sent via email: [wesley.crawford@fortbendcountytexas.com](mailto:wesley.crawford@fortbendcountytexas.com)  
[mathew.pierce@lpcgllc.com](mailto:mathew.pierce@lpcgllc.com)  
[bob.baker@aigtechnical.com](mailto:bob.baker@aigtechnical.com)

[Phone: \(281\) 633-7508](tel:(281)633-7508)

### CONSTRUCTION MATERIALS TESTING PROPOSAL FOR INTERSECTION IMPROVEMENT ROHAN ROAD AT MINONITE ROAD (FM 2977) MOBILITY PROJECT NO. 17114

Dear Mr. Slawinski:

Earth Engineering, Inc. appreciates the opportunity to submit this proposal to provide construction materials testing (CMT) services for the above-referenced project.

#### SCOPE OF SERVICES

We will provide an engineering technician to perform testing of the following:

- Laboratory Testing
- Paving Stabilization and Compaction
- Compaction Testing Limestone / Crushed Concrete Base
- Compaction Testing For Asphalt

#### TOTAL ESTIMATED COST OF SERVICES

This proposal is a time and materials contract with a do not exceed service cost of **\$28,045.05**. Any additional costs incurred due to adverse weather conditions, contractor unpreparedness, equipment failures, sample retests, cancellations without a 24-hour notice will be billed to the contractor.

You will be billed only for the actual services provided. We will monitor the estimated testing budget during construction and will inform you if the actual services provided vary from the estimate due to items beyond our control.

## TERMS AND CONDITIONS

- The client's project manager is responsible for item reconciliation between invoicing, reports, and cost of services rendered.
- Any accounting or project management services performed by **Earth Engineering, Inc.** will be billed at a rate of \$90.00 per hour.
- **Earth Engineering, Inc.** will not assume any additional costs incurred due to adverse weather conditions, contractor unpreparedness, equipment failures, cancellations without a 24-hour notice, or acts of God, etc.
- **Earth Engineering, Inc.** will submit a detailed monthly invoice which includes expended amounts and the proposed remaining budget amounts.
- A pre-construction meeting is strongly advised between the Owner, structural engineer, project manager, and the Contractor to review project specifications and the proposed budget.
- A monthly telephone call between the Project Manager and **Earth Engineering, Inc.** is strongly recommended to review invoiced amounts, the remaining budget amount, and upcoming scope of work based on the construction progress schedule.
- **Overtime rates are 1.5 times the hourly rates.**

All hours worked in excess of eight hours per day.

All hours before 8:00 am and after 5:00 pm Monday through Friday.

All hours worked on Saturday.

(Unless otherwise negotiated)

- **Overtime rates are 2.0 times the hourly rates.**

Sundays and Holidays

- A minimum charge of 4 hours applies to technician services for earthwork, concrete, or asphalt materials plant and/or field inspection and testing. There will be no additional "per test" charge for field density tests.
- All **Earth Engineering, Inc.** vehicles are equipped with GPS tracking system (Teletrac).
- All labor rates and transportation charges are invoiced on a portal-to-portal basis.
- A minimum of 24 hours advance notice is requested for scheduling or canceling field inspection or testing services. Work cancelled with less than 4 hours' notice is subject to the minimum charge if technician has been dispatched to the project site.
- Expenses such as consultant costs, delivery services, equipment rental, reproductions, subcontractor services, supplies, and travel including airfare, car rental, and lodging will be invoiced at cost + 20%



## ESTIMATED COST OF SERVICE

Service Description	Unit Fee	Amount	Estimated Cost
<b>Laboratory Testing</b>			
Sample Pick Up Hours	\$ 65.00 hour	12 hours	\$780.00
Standard Proctor (Raw Soil)	\$ 175.00 each	2 each	\$350.00
Standard Proctor (Stabilized Soil)	\$ 200.00 each	2 each	\$400.00
Standard Proctor (Modified)	\$ 200.00 each	1 each	\$200.00
Cement Sand Compressive Strength	\$ 71.00 each	1 each	\$71.00
Atterberg Limits	\$ 55.00 each	3 each	\$165.00
Asphalt Lab Density	\$ 54.00 each	3 each	\$162.00
Asphalt Theoretical Density	\$ 91.00 each	3 each	\$273.00
Specific Gravity	\$ 72.00 each	3 each	\$216.00
Asphalt Hveem Stability	\$ 95.00 Set	3 sets	\$285.00
Asphalt Extraction Gradation	\$ 203.00 each	3 each	\$609.00
Vehicle Charge	\$ 65.00 day	3 Trips	\$195.00
<b>Subtotal</b>			<b>\$3,706.00</b>
<b>Paving Subgrade Stabilization and Compaction ( +/- 25,000 Sq. Ft.)</b>			
Soil Technician Hours	\$ 65.00 hour	129.99 hours	\$8,449.35
Soil Technician Hours	\$ 97.50 hour	19.9 hours	\$1,940.25
Lime Depth Checks	\$ 20.00 each	8 each	\$160.00
Field Gradations	\$ 40.00 each	4 each	\$160.00
Percent Solid in Lime Slurry	\$ 43.00 each	4 each	\$172.00
Nuclear Gauge	\$ 55.00 day	15 days	\$825.00
Vehicle Charge	\$ 65.00 day	20 Trips	\$1,300.00
<b>Subtotal</b>			<b>\$13,006.60</b>
<b>8" Limestone / Crushed Concrete Base Compaction ( +/- 35,000 Sq. Ft.)</b>			
Soil Technician Hours	\$ 65.00 hour	35.75 hours	\$2,323.75
Nuclear Gauge	\$ 55.00 day	4 days	\$220.00
Vehicle Charge	\$ 65.00 day	4 Trips	\$260.00
<b>Subtotal</b>			<b>\$2,803.75</b>
<b>Asphalt 3" Paving Surface Compaction ( +/- 35,000 Sq. Ft.)</b>			
Soil Technician Hours	\$ 65.00 hour	39.98 hours	\$2,598.70
Nuclear Gauge	\$ 55.00 day	4 days	\$220.00
Vehicle Charge	\$ 65.00 day	4 Trips	\$260.00
<b>Subtotal</b>			<b>\$3,078.70</b>
<b>Asphalt Coring</b>			
Coring Technician Hours	\$ 106.00 hour	10 hours	\$1,060.00
Asphalt Specific Gravity	\$ 55.00 day	5 days	\$275.00
Asphalt Bulk Density	\$ 65.00 day	5 days	\$325.00
Vehicle Charge	\$ 65.00 day	2 Trips	\$130.00
<b>Subtotal</b>			<b>\$1,790.00</b>
Senior Engineer, P.E. Report Reviews	\$ 183.00 hour	20 hours	\$3,660.00
<b>Total</b>			<b>\$28,045.05</b>



Note :

Any additional costs incurred due to adverse weather conditions, contractor unpreparedness, equipment failures, sample retests, cancellations without a 24-hour notice will be billed to the contractor.

## INSURANCE

Earth Engineering inc. maintains the following insurance:

- Professional Liability (errors and omissions): **one million/two million (aggregate).**
- General Liability: **two million.**
- Workman's Compensation: **one million.**
- Commercial Auto Insurance: **one million.**
- Umbrella Insurance: **five million.**



## PROPOSAL ACCEPTANCE

If this proposal meets with your approval, please sign and return to my attention. A signed facsimile of the agreement is acceptable, with the original to follow in the mail. This proposal will be held open for a period of 45 calendar days.

Thank you for the opportunity to submit this proposal. We will be contacting you shortly to answer any questions you may have regarding this proposal.

**The client will be billed only for tests or inspections requested by the Owner and Contractor.**

Sincerely,  
**EARTH ENGINEERING, INC.**

*Moe A. Shihadeh*

Moe A. Shihadeh, P.E., D.GE  
Principal / Diplomate Geotechnical Engineering

**ACCEPTED BY:**

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

