

STATE OF TEXAS                   §  
   §  
COUNTY OF FORT BEND       §

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

**THIS SECOND 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 Berg-Oliver Associates, Inc. (hereinafter “Consultant”), 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 January 7, 2020 pursuant to SOQ 14-025, (hereinafter “Agreement”), as amended by document executed on May 10, 2022, (hereinafter “Amendment”); and

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

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

1. County shall pay Consultant an additional amount not to exceed forty-one thousand nine hundred ten dollars and 20/100 (\$41,910.00) to perform the additional Services, as described in Consultant’s proposal dated November 18, 2022 attached hereto as Exhibit “A” and incorporated herein for all purposes.
2. The Maximum Compensation payable to Consultant for all Services rendered is hereby increased to an amount not to exceed three hundred fourteen thousand nine hundred fifty-eight dollars and 90/100 (\$314,958.90), authorized as follows:  

\$187,927.70 under the Agreement;  
\$85,121.20 under the Amendment; and  
\$41,910.00 under this Second Amendment.
3. In no case shall the amount paid by County for all Services under the Agreement and any subsequently executed amendment exceed the Maximum Compensation without an agreement executed by the parties.
4. BY ACCEPTANCE OF AGREEMENT, CONSULTANT 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 and the Amendment 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

BERG-OLIVER, INC

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

Amy M. Brook  
Authorized Agent – Signature

\_\_\_\_\_  
Date

Amy M. Brook  
Authorized Agent – Printed Name

ATTEST:

Vice President  
Title

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

12/12/2022  
Date

APPROVED:

J. Stacy Slawinski  
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

I:\Marcus\Agreements\Engineering\Road Construction\Env Consulting\2017 Mobility\Berg Oliver\17111 FM 521 South\Amend 2 - Env Svcs.FM521 S.Berg Oliver.docx.12/9/2022. 18-Eng-500054-A1

Second Amendment to Agreement for Professional Environmental Services

2017 Mobility Bond Program – Project No. 17111

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# EXHIBIT A



## **BERG ♦ OLIVER ASSOCIATES, INC.**

*Environmental Science & Land Use Consultants*

*14701 St. Mary's Lane, Suite 400, Houston, Texas 77079*

*(281) 589-0898 fax: (281) 589-0007*

Houston ♦ Dallas/Fort Worth ♦ [www.bergoliver.com](http://www.bergoliver.com)

November 18, 2022

Kevin A. Mineo, MBA, PE  
Sr. Project Manager  
Binkley & Barfield, Inc.  
1710 Seamist Drive  
Houston, Texas 77008

*via email: [kmineo@binkleybarfield.com](mailto:kmineo@binkleybarfield.com)*

**RE: Supplemental Budget Request #2**

Widening and Reconstruction of FM 521 (from SH 6 to CR 56)

TxDOT CSJ: 0111-03-064

**BOA Proposal No. BOA042-11479T**

Dear Mr. Mineo:

Thank you for allowing Berg ♦ Oliver Associates, Inc. (Berg ♦ Oliver) to assist you with your needed environmental services. Our firm looks forward to continuing to provide environmental services to Binkley & Barfield, Inc. on behalf of the Fort Bend County Engineering Department for the widening and reconstruction of FM 521 between SH 6 and CR 56 in Fort Bend County, Texas.

For various reasons specified in the attached contract Addendum (e.g., design changes, inordinate amount of PM and public meeting time), we are respectfully requesting final supplemental budget. In summary:

Originally Contracted Environmental Services	\$187,927.70
Proposed Supplemental Budget #1	\$85,121.20
Proposed Supplemental Budget (max) #2	\$41,910.00
Grand Total	\$314,958.90

In the meantime, we will continue to prepare the environmental documentation as contracted. Please contact me if you have any questions. I can most easily be reached on my cell phone at 817-719-7468.

Sincerely,

Amy M. Brook  
Vice President  
Transportation & Public Works

**PROJECT NO:** 11479  
**PROJECT TYPE:** TxDOT CE - FM 521  
widening project

**PROJECT**  
**LOCATON:** Fort Bend County  
**CLIENT:** BBI – obo Fort Bend County  
Engineering Dept. (FBCED)

## ADDENDUM TO CONTRACT

The following is an addendum to an original agreement made between the following parties:

*Fort Bend County Engineering Department*

and

Berg ♦ Oliver Associates, Inc.

This addendum requests supplemental budget for the following tasks: Project Management, Environmental Setting & Evaluation, Community Impacts Assessment, Intensive Archeological Survey, Historic Resources Research Design & Reconnaissance Survey, and Public Meeting #2 (held in-person and virtually in September 2022; called out as Public Hearing in Supplemental #1).

Berg ♦ Oliver requests additional budget to finish environmental project services to FBCED on an hourly basis, not to exceed the totals in the table below.

Summary – Originally Contracted Project Services	Additional Cost
Project Management & ROE - Task 1	\$5,400.00
Env'l Setting & Evaluation - Task 2	\$8,510.00
Community Impacts Assessment - Task 5	\$2,290.00
Intensive Archeological Survey - Task 8	\$800.00
Historic Resources Research Design & Reconnaissance Survey - Task 9	\$1,500.00
Public Hearing (aka Public Meeting #2) - Task 12	\$23,410.00
<b>Required Tasks Grand Total (max.)</b>	<b>\$41,910.00</b>

These requests are explained below:

- **Task 1 — PM** — Continual project management regarding design changes (e.g., ponds) and biweekly meetings (through September).
- **Task 2 — Environmental Setting & Evaluation** — Several detention pond design changes (including Ponds 1b and 2) and ROW takings occurred in 2022, leading to additional coordination (internal, with BBI, and with TxDOT-HOU) and additional mapping and/or technical report (TRs) editing for the *Biological Studies*, *Hazardous Material ISA*, *Wetland Delineation*, and *Historic Resources PCR*. To address the revised Pond 1b design in the first two listed TRs, BOA drafted and submitted to TxDOT-HOU a design change memo addressing the more recent Pond 1b change. TxDOT is reviewing this and will let us know if additional edits/revisions are necessary. The other, earlier pond design and ROW changes have already been addressed. For the *Biological Studies*, a new, updated Species Analysis Spreadsheet will also need to be prepared.

Traffic Noise - Between June and early September, TxDOT sent in small sets of comments on two to three separate submittals with long stretches in between. A new analysis of validation models under a more detailed process than had been asked for in prior submittals was requested, including a new review of the traffic videos recorded during the initial analysis. In addition, TxDOT's TPP traffic numbers used in this noise analysis were later found to be in error, and the TNM models had to be redone with new numbers, and the report updated with new results.

- **Task 5 — Community Impacts Assessment (CIA)** — Several detention pond design changes (including Pond 2) occurred in early 2022 (while the CIA was being drafted), requiring mapping changes to the TR. Substantial coordination (internal, with BBI and with TxDOT-HOU) was required to address the design at Arcola Feed and the Bly residence, because these properties would not be provided turnaround locations for large trailers (*this continues to be a point of discussion (see Task 12 - Public Hearing)*).
- **Task 8 — Intensive Archeological Survey** — Pond 1b design changes in 2022 leading to additional coordination and additional mapping in the Research Design and Historic Resources Reconnaissance Survey (HRRS) Report. Only additional hours for the subconsultant are included.
- **Task 9 — Historic Resources Research Design & Reconnaissance Survey** — Pond 1b design changes in 2022 leading to additional coordination and additional mapping in the Research Design and Historic Resources Reconnaissance Survey (HRRS) Report. Only additional hours for the subconsultant are included.
- **Task 12 — Public Hearing (PM #2)** — An inordinate amount of time was spent in handling design changes, issues with traffic counts, and in particular coordinating drafts and revisions to the various public meeting materials (e.g., the public notice, Powerpoint presentation, postcard, fact sheet (handout), location maps, FAQs, typical sections, etc.). Initially, we were not to use TxDOT public meeting templates for materials, because this was not for a TxDOT public meeting (it was a County meeting). However, eventually, we were instructed to recreate and match slides and other materials to TxDOT's current templates/versions. Comments from the District came in piece-meal, with the Supervisor's comments not coming in until the end, resulting in additional last-minute revisions. Additional coordination will be needed to address public comments regarding the lack of large trailer turnaround in the proposed design.

The total of the charges for the additional work will not exceed the following total without written approval from the client:

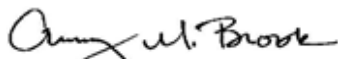
**Forty-One Thousand, Nine Hundred Ten Dollars (\$41,910.00)**

Berg♦Oliver and Horizon will begin the work described herein upon the execution of this addendum by the client. Invoices for all hourly work will be submitted monthly and will be based upon the attached Rate Schedule. Payment of all invoices is expected within thirty (30) days of the client's receipt of the invoice submitted by Berg♦Oliver Associates, Inc.

Upon execution of this addendum by the client below, Berg♦Oliver is authorized to proceed with the services described in this addendum to the original contract.

**SUBMITTED BY:**

**ACCEPTED BY:**



Amy M. Brook  
Vice President  
Berg♦Oliver Associates, Inc.

for Client

Date: November 18, 2022

Date:

**Attachment B**  
**Supplemental Fee Schedule**  
**FM 521**

**For: Binkley & Barfield, Inc. (obo Brazoria County)**

**By: Berg♦Oliver Associates, Inc.**

Project: FM 521 (Supplemental #2)

TASK DESCRIPTION	OFFICER #HOURS/ALLOCATION	SR ASSOCIATE	PROJECT COORDINATOR	MOBILE & AIR SPECIALIST	HEALTH & SAFETY OFFICER / CHIEF	WELFARE BIOCHECKER / ECOLOGIST	SOCIAL SCIENTIST	SR GIS / CAD ANALYST	FIELD TECHNICIAN	ADMIN WFO / PROCESSOR	SUB-CONSULTANTS	DIRECT EXPENSES	COST PER HOUR
TASK 1 - PROJECT MANAGEMENT  Project Management, Scheduling & NOE		12	14					8				\$0.00	\$6,400.00
TASK 2 - ENVIRONMENTAL SETTING & EVALUATION  Biological and Natural Resource Impact Assessment Soil/Vegetation Study Values of the U.S. Impact Assessment Traffic Noise Analysis Air Quality Analysis Archaeological Background Study Historic Resources PCR		2	6			2		2				\$0.00	\$1,810.00
		2	8			2		4				\$0.00	\$2,280.00
		2	1					4				\$0.00	\$2,140.00
		2		8								\$0.00	\$660.00
		1	1									\$0.00	\$1,000.00
				2								\$0.00	\$8,610.00
TASK 5 - COMMUNITY IMPACTS ASSESSMENT		8							10			\$0.00	\$2,290.00
TASK 8 - INTENSIVE ARCHEOLOGICAL SURVEY											\$800.00	\$0.00	\$800.00
TASK 9 - HISTORIC RESOURCES RESEARCH DESIGN & RECONNAISSANCE SURVEY											\$1,500.00	\$0.00	\$1,900.00
TASK 12 - VIRTUAL PUBLIC HEARING [MEETING #2] WITH IN-PERSON OPTION		20	116					10				\$0.00	\$22,410.00
HOURS SUB-TOTAL:	0	49	146	10	0	4	0	28	10	0			\$41,910.00
LABOR RATE PER HOUR	\$180.00	\$160.00	\$160.00	\$160.00	\$160.00	\$120.00	\$120.00	\$125.00	\$85.00	\$85.00			
SUBTOTAL	\$0.00	\$6,820.00	\$23,360.00	\$1,600.00	\$0.00	\$480.00	\$0.00	\$3,500.00	\$850.00	\$0.00			

Additional Funds for Required\* Task:

DIRECT EXPENSES																				DIRECT EXPENSES
	AERIAL PHOTOGRAPHY	8.5 x 11 BW COPIES	8.5 x 11 COLOR COPIES	11 x 17 COLOR COPIES	TECHNICAL REPORT COPIES	HAZ MAT DATA BASE RESEARCH	CITY DIRECTORIES	MISCELLANEOUS SEARCH	TRNO TAPED RECORDS	PUBLIC NOTICE ADVERTISEMENT REGIONAL	PUBLIC NOTICE ADVERTISEMENT LOCAL	"DIRECT MAIL" POSTCARDS	POSTAGE	3" x 6" MAP	EXHIBIT BOOKS	SECURITY	FACILITY RENTAL	EQUIPMENT RENTALS	DIRECT EXPENSES	
																			\$0.00	
																			\$0.00	
																			\$0.00	
																			\$0.00	
QUANTITY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
RATE	\$60.00	\$0.25	\$1.00	\$1.50	\$20.00	\$500.00	\$500.00	\$0.50	\$50.00	\$4,000.00	\$500.00	\$2,000.00	\$0.25	\$200.00	\$25.00	\$180.00	\$500.00	\$200.00		
DIRECT EXPENSE COST	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,000.00	\$500.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Summary - Project Supplemental Budget																				
	Cost																			
	Project Management - Task 1																		\$5,400.00	
	Envl Setting & Evaluation - Task 2																		\$8,510.00	
	Community Impacts Assessment - Task 5																		\$2,280.00	
	Intensive Archeological Survey - Task 6																		\$800.00	
	Historic Resources Research Design & Reconnaissance Survey - Task 8																		\$1,500.00	
	Public Hearing (aka Public Meeting #2) - Task 1																		\$25,410.00	
	Grand Total																		\$41,910.00	
Required Tasks																				
Potential Total																				