

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**FIFTH AMENDMENT TO AGREEMENT FOR
PROFESSIONAL ENGINEERING SERVICES**

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

WHEREAS, the parties executed and accepted that certain Agreement for Professional Engineering Services on May 22, 2018 pursuant to SOQ 14-025, (hereinafter “Agreement”); as subsequently amended by documents dated April 2, 2019, (hereinafter “Amendment”), July 23, 2019, (hereinafter “Second Amendment”), January 28, 2020, (hereinafter “Third Amendment”), and February 9, 2012, (hereinafter “Fourth Amendment”); and

WHEREAS, the parties desire to further amend the Agreement to allow Contractor to provide additional Services under the Agreement, to amend the maximum compensation amount, and to extend the time of performance.

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

1. County shall pay Contractor an additional amount not to exceed ten thousand dollars and 00/100 (\$10,000.00) to perform additional Services, as described in the Contractor’s Scope of Services, dated April 19, 2023, 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 six hundred eighty-three thousand four hundred thirteen dollars and 60/100 (\$683,413.60), authorized as follows:
 - \$ 472,322.00 under the Agreement;
 - \$ 130,626.60 under the Amendment;
 - \$ 5,155.00 under the Second Amendment;
 - \$ 48,300.00 under the Third Amendment;
 - \$ 17,010.00 under the Fourth Amendment; and
 - \$ 10,000.00 under this Fifth Amendment.
3. In no case shall the amount paid by County for all Services under the Agreement and any subsequent amendment exceed the Maximum Compensation without an agreement executed by the parties.

4. The time of performance of the Scope of Services under this Agreement shall be extended to end no later than December 31, 2023. Contractor shall complete the tasks described in the Scope of Services for this Project, within this time or within such additional time as may be extended by the County.

5. 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 and any subsequent amendment shall remain unchanged.

[EXECUTION PAGE FOLLOWS]

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

MCDONOUGH ENGINEERING CORPORATION

KP George, County Judge

Ranney McDonough
Authorized Agent – Signature

Date

RANNEY McDONOUGH
Authorized Agent – Printed Name

ATTEST:

PRES.
Title

Laura Richard, County Clerk

6-7-23
Date

APPROVED:

J. Stacy Slawinski
J. Stacy Slawinski, P.E., County Engineer

APPROVED AS TO LEGAL FORM:

LaNetra S. Lary, Assistant County Attorney
Chief, General Counsel Division

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



McDONOUGH ENGINEERING CORPORATION
Civil Engineers

EXHIBIT "A" SCOPE OF SERVICES

April 19, 2023

Binkley & Barfield, Inc.
Tommy V. Cromer, P.E.
1710 Seamist Dr.
Houston, TX 77008

Attn: Kevin A. Mineo, P.E.

RE: 17110 Proposal for Professional Engineering Services- Amendment No. 5
Benton Road: From FM 762 to 300' South of Reading Road
Precinct 1
Fort Bend County
MEC Project No. 18110

PROPOSED SCOPE

In response to the extended construction schedule, a scope change for the Benton Road project has been prepared which includes the following items:

BASIC SERVICES

1. Construction schedule has extended from original estimated schedule by approximately 56%. Construction services related to this item are further outlined in the attached task breakdown by MEC.

CONSTRUCTION PHASE SERVICES

McDonough Engineering Corporation proposes to complete the following tasks:

- Review contractor submittals
- Respond to RFIs
- Attend field visits and progress meetings upon request by Fort Bend County
- Attend substantial completion walkthrough meeting
- Prepare record documents based on contractor redlines and provide a hard copy to Fort Bend County
- Coordinate with subconsultants, including TranSystems, Jones and Carter, BGE, and Aviles as necessary

COST SUMMARY

A level of effort estimate is enclosed for the time & materials amount. Invoicing will be based on time & materials incurred. The total Fee for Scope Amendment No. 5 is \$10,000.00.

Benton Road - FM 762 to 300' South of Reading Road - Precinct 1 - Amendment No. 5
Level of Effort Estimate

4/19/2023

	Proj. Man.	Engineer	Senior Designer	Sr. CADD	CADD	Clerical	Fee	Total Hours per Task	Number of sheets	Hour per Sheet
Phase II - Final Design Phase										
Project Administration							\$	0	N/A	N/A
Railroad Coordination							\$	0	N/A	N/A
TxDOT Coordination							\$	0	N/A	N/A
Review Documentation and Incorporate Sheets by other consultants (Surveyor, Signal Design)							\$	0	N/A	N/A
Research Documentation for Existing Utilities within ROW							\$	0	N/A	N/A
QA/QC										
Internal QA/QC (3 submittals)							\$	0	N/A	N/A
Construction Documents										
Plans										
Cover sheet							\$	0	N/A	N/A
Index of Sheets							\$	0	N/A	N/A
General Notes							\$	0	N/A	N/A
Legend							\$	0	N/A	N/A
Survey Control Sheets							\$	0	N/A	N/A
Existing Typical Sections							\$	0	N/A	N/A
Proposed Typical Sections							\$	0	N/A	N/A
Storm Sewer Drainage Area Map							\$	0	N/A	N/A
Storm Sewer Calculations							\$	0	N/A	N/A
Overall Drainage Area Map							\$	0	N/A	N/A
Detention Basin							\$	0	N/A	N/A
Demolition Plans							\$	0	N/A	N/A
Railroad Crossing							\$	0	N/A	N/A
Railroad Crossing Details							\$	0	N/A	N/A
Plan and Profile (20 scale)							\$	0	N/A	N/A
Relocation Plans - Water and Sewer Details							\$	0	N/A	N/A
Concrete Pavement Details							\$	0	N/A	N/A
Flexible Pavement Details							\$	0	N/A	N/A
Concrete Driveway Details							\$	0	N/A	N/A
ADA Ramp Details							\$	0	N/A	N/A
Storm Sewer Construction Details							\$	0	N/A	N/A
Type "A" Inlet Details							\$	0	N/A	N/A
Modified Type "A" Inlet w/ Concrete Apron							\$	0	N/A	N/A
Type "B-B" Inlet Details							\$	0	N/A	N/A
Modified Type "B-B" Inlet Details							\$	0	N/A	N/A
Monolithic Type C-1, C-2, and C-2A Inlet Details							\$	0	N/A	N/A
Precast Concrete Storm Sewer Manhole Details							\$	0	N/A	N/A
Junction Box Manhole Detail							\$	0	N/A	N/A
Fluebeam Guardrail Details							\$	0	N/A	N/A
Type III Barricade Details							\$	0	N/A	N/A
Safety End Treatment for 12"-72" Dia. Pipe Culverts							\$	0	N/A	N/A
Traffic Control Plans							\$	0	N/A	N/A

Benton Road - FM 762 to 300' South of Reading Road - Precinct 1 - Amendment No. 5
Level of Effort Estimate

Task	Prol. Man.	Engineer	Senior Designer	Sr. CADD	CADD	Clerical	Fee	Total		
								Hours per Task	Number of sheets	Hour per Sheet
Phasing Layout with General Notes							\$ -	0	N/A	N/A
Typical Construction Cross-sections							\$ -	0	N/A	N/A
Advanced Warning Signs Layouts							\$ -	0	N/A	N/A
Phase One Layouts							\$ -	0	N/A	N/A
Phase Two Layouts							\$ -	0	N/A	N/A
Temporary Traffic Signal (Benton at FM 762)							\$ -	0	N/A	N/A
Storm Water Pollution Prevention Plans							\$ -	0	N/A	N/A
Storm Water Pollution Prevention Plan Details							\$ -	0	N/A	N/A
Signing and Paving Marking Plans							\$ -	0	N/A	N/A
Pavement Marking Details							\$ -	0	N/A	N/A
Earthwork Table							\$ -	0	N/A	N/A
Cross Sections							\$ -	0	N/A	N/A
Construction Cost Estimate							\$ -	0	N/A	N/A
Project Manual (Bid form, specification TOC, special specs)							\$ -	0	N/A	N/A
Phase III - Bid/Construction Phase										
Construction Submittal Review	4	8					\$ 4,400.00	32	N/A	N/A
RFI Responses	4	8					\$ 4,400.00	32	N/A	N/A
Field Visits and Progress Meetings	2	4					\$ 1,200.00	6	N/A	N/A
Total Hours Phase II - Final Design Phase										
	0	0	0	0	0	0	\$ -	0	0	0
	240	180	150	125	100	75	\$ -	0	0	0
	0%	0%	0%	0%	0%	0.0%	\$ -	0	0	0
Total Hours Phase II- Bid/Construction Phase										
	10	20	0	0	40	0	\$ -	0	0	0
	240	180	150	125	100	75	\$ -	0	0	0
	0%	36%	0%	0%	40%	0%	\$ -	0	0	0
	2,400.00	3,600.00	\$ -	\$ -	4,000.00	\$ -	\$ 10,000.00	0	0	0
	24%	36%	0%	0%	40%	0%	\$ -	0	0	0

Phase II - Design Phase Subtotal (Lump Sum)

Total Hours Phase II - Final Design Phase: 0
 Rate (\$/HR): 240
 Total Hours Phase II- Bid/Construction Phase: 10
 Rate (\$/HR): 240

Total Hours: 0
 Total Sheets: 0
 Total Hours: 0
 Total Sheets: 0

Total Hours: 0
 Total Sheets: 0

- Survey - Jones and Carter
- Deed Research
- Deed Plot
- Right-of-Entry
- Control
- Additional Topographic & Boundary Ties
- Metes & Bounds and Survey for Parcels (Additional 3 parcels)
- Additional services for preparing Drainage Easements

Survey Subtotal (Lump Sum)

- Civil Design Services - BGE
- Supplemental Drainage Design Services (Lump Sum)
- Supplemental Traffic Control Plan Design (Lump Sum)
- Supplemental TCP Construction Phase Services (Hourly, Not-To-Exceed)

Supplemental Drainage Design Services (Lump Sum)
 Supplemental Traffic Control Plan Design (Lump Sum)
 Supplemental TCP Construction Phase Services (Hourly, Not-To-Exceed)

Supplemental Drainage Design Services (Lump Sum)
 Supplemental Traffic Control Plan Design (Lump Sum)
 Supplemental TCP Construction Phase Services (Hourly, Not-To-Exceed)

Benton Road - FM 762 to 300' South of Reading Road - Precinct 1 - Amendment No. 5
 Level of Effort Estimate

4/19/2023

	Prof. Man.	Engineer	Senior Designer	Sr. CADD	CADD	Clerical	Fee	Total Hours per Task	Number of sheets	Hour per Sheet
Civil Design Subtotal										
Geotechnical Report - Aviles Engineering Corporation Supplemental Roadway							\$ -			
Geotechnical Report Subtotal (Lump Sum)							\$ -			
Traffic Signal Design Services - TransSystems Phase 100 - Traffic Data Collection Phase 200 - Intersections Analysis Phase 300 - Final Plans QA/QC Expenses							\$ -			
Traffic Signal Design Subtotal							\$ -			
Total Professional Services Budget for Amendment No. 5							\$ 10,000,000			