

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**FIRST AMENDMENT TO AGREEMENT FOR DESIGN/BUILD
FOR NORTH ANNEX PARKING EXPANSION
(CONSTRUCTION PHASE)
RFQ 24-024**

THIS FIRST AMENDMENT (“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 **APEX Consulting Group, Inc.**, (hereinafter “ACG”), a company authorized to conduct business in the State of Texas (hereinafter each referred to as a “party” or collectively as the “parties”).

WITNESSETH

WHEREAS, on or about April 23, 2024, the Parties executed and accepted that certain Agreement for the Design/Build of North Annex Parking Expansion (hereinafter “Agreement”) which is incorporated by reference as if set forth herein verbatim; and

WHEREAS, by execution of this Amendment, the Parties desire to amend the Agreement to provide for the Construction phase of the agreement and to increase the Total Maximum Compensation for completion of such services, and to otherwise ratify and confirm all the terms and conditions as set forth herein.

NOW THEREFORE, in consideration of the foregoing, the Parties do mutually agree that the Agreement between the Parties is hereby amended as follows:

1. **Scope of Services.** County shall pay ACG an additional Two Hundred Twelve Thousand Five Hundred and 00/100 dollars (\$212,500.00) for the performance and completion of construction services as described in ACG’s Quote dated June 24, 2024 (the “Services”) attached hereto as Exhibit “A” and incorporated by reference for all intents and purposes.
2. **Limit of Appropriation.** ACG understands and agrees that the Maximum Compensation payable to ACG for Services rendered under this Agreement is hereby increased to an amount not to exceed Two Hundred Twenty-Five Thousand and 00/100 dollars (\$225,000.00), authorized as follows:

\$12,500.00	under the Agreement
\$212,500.00	under this Amendment
TOTAL	\$225,000.00

In no event shall the amount paid by County under this Agreement exceed the Maximum Compensation without a County approved change order. ACG clearly understands and agrees, such understanding and agreement being the absolute essence of this Agreement, that County shall have available the total maximum sum of Two Hundred Twenty-Five Thousand and 00/100 dollars (\$225,000.00) specifically allocated to fully discharge any and all liabilities County may incur under the Agreement.

ACG does further understand and agree, said understanding and agreement also being of the absolute essence of the Agreement, that the total Maximum Compensation that ACG may become entitled to and the total maximum sum that County may become liable to pay to ACG under the Agreement shall not under any conditions, circumstances, or interpretations thereof exceed Two Hundred Twenty-Five Thousand and 00/100 dollars (\$225,000.00).

3. **Time of Performance.** The time of performance to complete the construction phase of the Agreement shall be a period of two months from the date that County provides a notice to proceed to ACG.
4. **Recitals.** The recitals set forth above are incorporated herein by reference and made a part of the Agreement.
5. **Modifications and Conflict.** Except as modified herein, the Agreement shall remain in full force and effect and has not been otherwise modified or amended. If there is a conflict among documents that make up the Agreement, this Amendment shall prevail with regard to the conflict.

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{Execution Page Follows}

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 day signed by the last party.

FORT BEND COUNTY

APEX CONSULTING GROUP, INC.



KP GEORGE, COUNTY JUDGE

AUTHORIZED AGENT – SIGNATURE

CHARLES MGBEIKE, P.E.

DATE

AUTHORIZED AGENT- PRINTED NAME

PRESIDENT

ATTEST:

TITLE

07/23/24

LAURA RICHARD, COUNTY CLERK

DATE

APPROVED:



JAMES KNIGHT, FACILITIES MANAGEMENT/
PLANNING DIRECTOR

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: APEX Consulting Group, Inc.'s Construction Fee Proposal, dated June 24, 2024

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EXHIBIT A

June 24, 2024

Mr. Jon McGuff
Fort Bend County Facilities
301 Jackson
Richmond, Texas TX 77469

Re: Construction Cost Proposal-RFQ #24-024 – NORTH ANNEX PARKING ADDITION - KATY TX

Dear Mr. McGuff:

Per your request, attached is the requested construction cost proposal for the referenced project. The cost to construct the parking lot is **\$212,500.00** (Two Hundred & Twelve Thousand, Five hundred dollars). This is a “**not to exceed**” cost, assuming no unforeseen site conditions and/ or scope changes by the County.

Thank you for this opportunity to provide our services to Fort Bend County. ACG will commit its full resources to complete this project on time and within the budget. Please feel free to call our office if you have any questions or concerns.

Sincerely



Charles C. A. Mgbeike, P.E.
President

FBC PARKING LOT ADDITION - PRECINCT 1 ANNEX

APEX CONSULTING GROUP	
Schedule of Values	
General Conditions	
Contractor's General Conditions	\$ 14,970.00
Site Supervision & Management	\$ 14,970.00
Overhead & Profit	\$ 17,964.00
Insurance & Bonds	\$ 8,982.00
Equipment Rental	\$ 5,988.00
Total - General Conditions	\$ 62,874.00
Division 01 - General Requirements	\$ -
Site Clean -up	\$ 3,500.00
Construction Entrance	\$ 3,500.00
Silt Fence + IPBs	\$ 3,500.00
Total - Division 01	\$ 10,500.00
Division 31 -Earthwork	\$ -
Clear & Grub	\$ 10,000.00
Cut/ Fill/ Final Grade	\$ 25,000.00
Lime STABILIZED SUBGRADE	\$ 10,000.00
Total - Division 31	\$ 45,000.00
Division 32 - Exterior Improvements	
Paving Concrete - 9040 SF x 6" thick	\$ 80,000.00
Rebar - #4 @ 15" o.c. - 8 Bundles	\$ 8,500.00
Pavement markings	\$ 5,700.00
Total - Division 32 - Exterior Improvements	\$ 94,200.00
Sub Total	\$ 149,700.00
Base Bid	\$ 212,574.00

DETENTION DESIGN AND/ OR CONSTRUCTION NOT INCLUDED

SITE LIGHTING NOT INCLUDED

OWNER'S CONTINGENCIES NOT INCLUDED