

**FORT BEND COUNTY    FY 2010  
COMMISSIONERS COURT AGENDA REQUEST FORM**

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 01/27/2010

Submitted By: Mary Reveles  
Department: County Attorney  
Phone Number: 341-4554

Court Agenda Date: 02/02/2010

**SUMMARY OF ITEM:**

**ENGINEERING:**

Take all appropriate action on the First Amendment to the Professional Engineering Services Agreement between Fort Bend County and TEDSI Infrastructure Group increasing compensation in an amount not to exceed \$10,000 and extending the agreement through December 31, 2011. Project No. 725A – 2007 Mobility Bonds (Fund 2007 Mobility Bonds).

**RENEWAL AGREEMENT/APPOINTMENT**      YES ☐      NO ☒  
**REVIEWED BY COUNTY ATTORNEY'S OFFICE:**      YES ☒      NO ☐

**FINANCIAL SUMMARY:BUDGETED ITEM:**      YES ☐      NO ☐      N/A

**FUNDNG SOURCE:** Accounting Unit:      Account Number:      N/A  
Activity (If Applicable):

**DESCRIPTION OF LAWSOM ACCOUNT:** \_\_\_\_\_ (Fund: 2007 Mobility Bond Projects.)

**Instructions to submit Agenda Request Form:**

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

**DISTRIBUTION:**

**Original Form** Submitted with back up to County Judge's Office ☒ (✓ when completed)

If by E-Mail to [ospindon@co.fort-bend.tx.us](mailto:ospindon@co.fort-bend.tx.us)

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input type="checkbox"/> Auditor	(281-341-3774)	<input checked="" type="checkbox"/> Comm. Pct. 1	(281-342-0587)
<input checked="" type="checkbox"/> Budget Officer	(281-344-3954)	<input checked="" type="checkbox"/> Comm. Pct. 2	(281-403-8009)
<input type="checkbox"/> Facilities/Planning	(281-633-7022)	<input checked="" type="checkbox"/> Comm. Pct. 3	(281-242-9060)
<input checked="" type="checkbox"/> Purchasing Agent	(281-341-8642)	<input checked="" type="checkbox"/> Comm. Pct. 4	(281-980-9077)
<input checked="" type="checkbox"/> Road & Bridge		<input checked="" type="checkbox"/> County Clerk	(281-341-8697)
<input checked="" type="checkbox"/> Engineering		<input checked="" type="checkbox"/> County Atty	(281-341-4557)

**RECOMMENDATION / ACTION REQUESTED:**

A. Original Agreement not-to-exceed: \$45,000 (approved June 2008)

**COUNTY JUDGE  
RECEIVED**

JAN 28 2010

2-8-10 2 orig. ret. to Mary Bt CO Attorney

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND §

**FIRST AMENDMENT TO  
PROFESSIONAL ENGINEERING SERVICES AGREEMENT  
PROJECT NO. 725A – HARLEM ROAD**

**THIS FIRST AMENDMENT** is made and entered into by and between FORT BEND COUNTY, TEXAS, a public body corporate and politic of the State of Texas acting by and through the Fort Bend County Commissioners Court (hereinafter referred to as “County”) and TEDSI Infrastructure Group, (hereinafter referred to as “Engineer,”) authorized to conduct business in the State of Texas.

WITNESSETH

WHEREAS, on or about June 4, 2008, County and Engineer entered a Professional Engineering Services Agreement, hereinafter referred to as “the Agreement,” for the expansion of Harlem Road, Project No. 725A, located in Fort Bend County, Texas, as part of the 2007 Fort Bend County Mobility Programs, hereinafter referred to as the “Project;” and,

WHEREAS, County and Engineer desire to amend the Agreement to extend the time for performance as set forth below and provide for additional funding.

NOW, THEREFORE, in consideration of the foregoing, the Agreement between County and Engineer is hereby amended as follows:

**AGREEMENT**

1. Section 2.01 the Agreement is hereby amended as follows:

“For and in consideration of the services rendered by Engineer, and subject to the limit of appropriation under Section XVI, County shall pay to Engineer an amount not to exceed \$55,000.00, including all reimbursable expenses. This amount includes the amount of \$45,000.00 under the Agreement and an additional amount of \$10,000.00 under this First Amendment.”

2. Section 3.01 the Agreement is hereby amended as follows:

“This Agreement shall become effective upon execution of County and shall terminate on or before December 31, 2011.”

3. Section XVI of the Agreement is hereby amended as follows:

16.01 “Prior to the execution of this Agreement, Engineer has been advised by County, and Engineer clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that County shall have available the total maximum sum of \$55,000.00, including reimbursable expenses, if any,

specifically allocated to fully discharge any and all liabilities which may be incurred by County.”

- 16.02 “Engineer does further understand and agree, said understanding and agreement also being of the absolute essence of this Agreement, that the total maximum compensation that Engineer may become entitled to hereunder and the total maximum sum that County shall become liable to pay to Engineer hereunder shall not under any conditions, circumstances or interpretations thereof exceed the sum of \$55,000.00 for described scope of services in all executed Work Authorizations.”
4. Except as modified herein, the Agreement remains in full force and effect and has not been modified or amended.
5. If there is a conflict between this First Amendment and the Agreement, the provisions of this Amendment shall prevail.

*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK*

EXECUTION

This First Amendment shall not become effective until executed by County.

FORT BEND COUNTY:

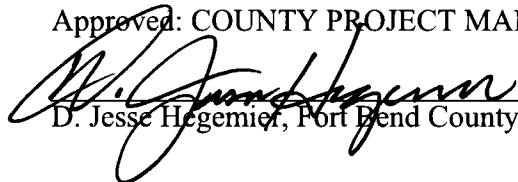
  
\_\_\_\_\_  
Robert E. Hebert, County Judge

2-2-10  
Date

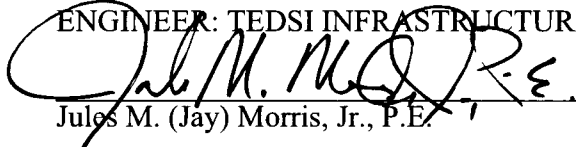
Attest:

  
\_\_\_\_\_  
Dianne Wilson, County Clerk

Approved: COUNTY PROJECT MANAGER

  
\_\_\_\_\_  
D. Jesse Hegemier, Fort Bend County Engineer

ENGINEER: TEDSI INFRASTRUCTURE GROUP

  
\_\_\_\_\_  
Jules M. (Jay) Morris, Jr., P.E.

1/27/10  
Date

Attest:

  
\_\_\_\_\_

MER:Engineering Services Agreement.TEDSI..3791-725A.AMEND

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$55,000.00 to accomplish and pay the obligation of the Fort Bend County under this contract.

  
\_\_\_\_\_  
Ed Sturdivant, Fort Bend County Auditor