

24B

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: February 17, 2010

Submitted By: Laura Dougherty

Court Agenda Date: February 23, 2010

Department: Facilities Management & Planning
Phone Number: 281-633-7017

SUMMARY OF ITEM: Take all appropriate action on Change Order No. One to Carter Goble Lee, in the amount of \$146,192.98, with a total amount not to exceed of \$2,326,292.00 due to increase in total project cost for the Jail Expansion Project.

RENEWAL AGREEMENT/APPOINTMENT

YES ☐ NO ☐

REVIEWED BY COUNTY ATTORNEY'S OFFICE:

YES ☒ NO ☐

List Supporting Documents Attached: Change Order No. 1

FINANCIAL SUMMARY:

BUDGETED ITEM: YES ☒ NO ☐

FUNDNG SOURCE: Accounting Unit: 732418888 Account Number:
Activity (If Applicable): P418B-06JAILEXP

DESCRIPTION OF LAWSON ACCOUNT: Jail Expansion Project

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

If by Fax to (281) 341-8609

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

<input checked="" 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 checked="" 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"/> Information Technology (281-341-4526)	<input checked="" type="checkbox"/> County Clerk (281-341-8697)
<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify): Please Approve

COUNTY JUDGE
RECEIVED

FEB 23 2010

3-410 3 origs. ret. to Laura at Facilities

STATE OF TEXAS

COUNTY OF FORT BEND

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

CHANGE ORDER # 1
PROGRAM MANAGEMENT AGREEMENT

THIS CHANGE ORDER #1 to the Program Management Agreement is made and entered into by and between the Fort Bend County, a body corporate and politic under the laws of the State of Texas, acting by and through the Fort Bend County Commissioners Court, hereinafter referred to as "County," and CARTER GOBLE LEE, LLC, hereinafter referred to as "Program Manager," a Georgia Corporation authorized to conduct business in the State of Texas.

RECITALS:

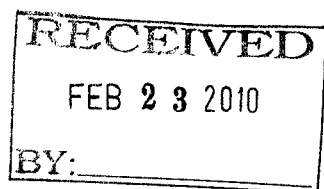
County and Program Manager previously entered into a Program Management Agreement for the expansion of the Fort Bend County Jail dated September 26, 2006, hereinafter referred to as the "Agreement." County and Program Manager now desire to further amend said Agreement as set forth below.

AGREEMENT

For and in consideration of the premises and the mutual promises, obligations, and benefits contained herein, County and Program Manager hereby agree as follows:

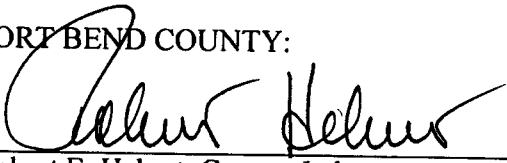
1. An additional amount not-to-exceed \$146,192.98 shall be available as provided in Article 8.1 of the Agreement which provides that the Program Management Fee shall be determined as three percent (3%) of the Approved Project Budget, exclusive of all contingencies, Program Manager fees, Program Manager reimbursable expenses, and land acquisition costs, as described in Exhibit A, Program Manager's Fee Adjustment dated February 19, 2010, incorporated by reference as if set forth herein verbatim for all purposes.
2. The Program Management Fee under the Agreement and this Change Order #1 shall-not-exceed \$2,196,292.00.
3. No additional funding shall be available for services provided under the Agreement without prior written consent of County.
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 Change Order #1 and the Agreement, the provisions of this Change Order #1 shall prevail.
6. Attached hereto to this Change Order #1 is Exhibit B, Program Management Fee dated September 26, 2006, incorporated by reference as if set forth herein verbatim for all purposes.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK




IN WITNESS WHEREOF, County and Program Manager have caused their respective duly authorized representatives to execute, seal and deliver this Change Order #1. This Change Order #1 shall not become effective until executed by County.

FORT BEND COUNTY:

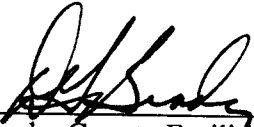

Robert E. Hebert, County Judge

2-23-2010
Date

Attest:

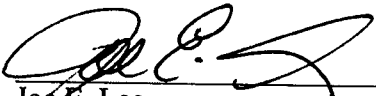

Dianne Wilson, County Clerk

Approved:

By: 
Don Brady, County Facilities
Management & Planning Director

2-23-10
Date

PROGRAM MANAGER: CARTER GOBLE LEE, LLC


Joe E. Lee,
Managing Member

2-23-10
Date

I:MER:Jail/CGL Change Order #1.3689(02222010)

AUDITOR'S CERTIFICATE

^{revised}
I hereby certify that funds are available in the amount of \$ 2,326,292.00 to accomplish and pay the obligation of Fort Bend County under this Change Order.


Ed Sturdivant, Fort Bend County Auditor

Exhibit A: Program Manager's Fee Adjustment dated February 19, 2010
Exhibit B: Program Management Agreement dated September 26, 2010

Exhibit A



Carter Goble Lee

February 19, 2010

Mr. Don Brady
Director of Facilities Management and Planning
Fort Bend County
1517 Eugene Heimann Circle, Suite 500
Richmond, Texas 77469

RE: Program Management Fee Adjustment

Dear Mr. Brady,

In accordance with the Program Management Agreement, Article 8.1, the Program Management Fee shall be determined as a percentage (3%) of the total Approved Project Budget exclusive of all Contingencies, Program Management Fee, Program Management Reimbursable and land acquisition costs. Exhibit F of the Program Management Agreement contained an estimated Project Budget Amount total of \$79,759,092, which included Construction and Design Contingencies totaling \$9,372,339. Accordingly, the estimated Program Management Fee shown in Exhibits C and F of the Agreement was \$2,050,099.02.

Since the Agreement was executed, design and construction of the Project ensued and resulted in approvals of the GMP Change Order, the 100% Document Change Order, GMP contingency releases and Turner Change Order # 2. The Project contingencies were also utilized to expand the scope of the originally planned improvements. On the basis that the remaining Contingency Amount is \$4,225,081, the terms of our Agreement allows that the actual Program Management Fee to \$2,196,292.

Please amend our purchase order to include the increase in Program Management Fee in the amount of \$146,192.98 in accordance with the Program Management Agreement dated 9/26/06.

Carter Goble Lee, Program Manager

Joe E. Lee

Approved:

Director, Fort Bend County Facilities Management and Planning

Donald G. Brady

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