

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

FIRST AMENDMENT TO AGREEMENT FOR DESIGN/BUILD SERVICES
CITY OF KENDLETON SANITARY SEWER IMPROVEMENTS
SOQ 12-038

THIS FIRST AMENDMENT to the AGREEMENT FOR DESIGN/BUILD SERVICES is made and entered into by and between Fort Bend County, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as "County," and BOYER, INC., hereinafter referred to as "DESIGN-BUILDER," authorized to conduct business in the State of Texas.

WITNESSETH:

WHEREAS, on or about September 25, 2012, County and DESIGN-BUILDER entered into an agreement for the design, construction, rehabilitation, and reconstruction or replacement of certain sanitary lift stations in the City of Kendleton to improve the overall function of the wastewater treatment system, hereinafter referred to as "the Project;"

WHEREAS, County and DESIGN-BUILDER desire to amend the Agreement to extend the time for performance as set forth below.

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

AGREEMENT

- A. DESIGN-BUILDER warrants that the Work shall be substantially complete on or before May 31, 2013, as provided in the schedule attached as Exhibit A, incorporated by reference as if set-forth herein verbatim for all purposes.
- B. Except as modified herein, the Agreement remains in full force and effect and has not been modified or amended.
- C. If there is a conflict between this First Amendment and the Agreement, the provisions of this First Amendment shall prevail.

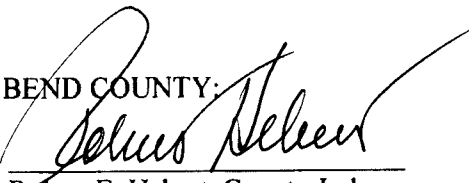
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EXECUTION

This First Amendment shall become effective upon execution by County.


FORT BEND COUNTY:

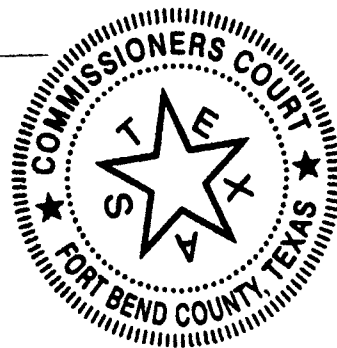
By:


Robert E. Hebert, County Judge

Date: 3-26-2013

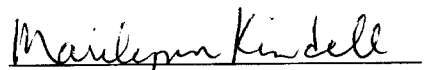
ATTEST:


Dianne Wilson, County Clerk



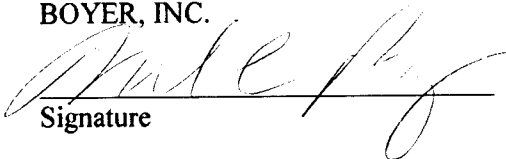
REVIEWED:

By:


Marilynn Kindell
Community Development, Director

Date: March 20, 2013

BOYER, INC.


Signature

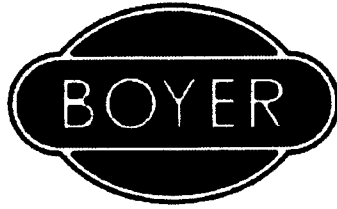
Date: March 19, 2013

Mark L. Boyer, President
Printed Name/Title

I:MER/DB.Agr.Boyer, Inc.Lift Stations.SQ 12-038.AMEND

Exhibit A: Design-Builder's schedule dated March 14, 2013

Exhibit A



Inc. 8904 Fairbanks N Houston Rd • Houston, Texas 77064

Telephone: (713) 466-5395 • Fax: (713) 466-8198
www.boyerinc.com

March 14, 2013

Ms. Karen Bringol, Project Coordinator
Fort Bend County
Community Development Department
301 Jackson, Suite 602
Richmond, Texas 77469

Re: Design/Build City of Kendleton – Sanitary Sewer Improvements for
Fort Bend County
SOQ 12-038 Lift Station Rehabilitations

Dear Ms. Bringol:

We provided our proposal for the design build project for Fort Bend County and the City of Kendleton, along with our construction schedule. The installation of this project was scheduled to be completed the week of April 21, 2013, although the contract documents indicate a March 31, 2013 completion date. There are two phases of this project one is the design phase, and the other is the construction phase. The design phase took longer than expected, for the following reasons:

- There were no As-Built Drawings for the existing installed utilities, which would have provided the necessary information to our Engineers to reference. Consequently all information had to be gathered by field surveys.
- TCEQ requirements added some items that were not part of our original scope; these items had to be addressed in the design phase. TECQ requires the maintenance personnel to be notified, when there is trouble at one of the Lift Stations. An auto dialer or a similar device is used for that purpose. There also has to be a portable generator connection, via a manual transfer switch, which will allow for temporary power with a generator. This was determined by the amount of outages and the length of each outage over the past 24 months. This information was not available during the budget proposal phase.

100% Plans will be complete this week. We will be forwarding them to Fort Bend County, as well as to TCEQ. Although TCEQ is under staffed, and hints that their process might take two weeks, we are going to request that we present our plans and specifications to them, in person, with our engineers by our side.

Ms. Karen Bringol
March 14, 2013
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We are respectfully requesting a time extension of 84 days, for the design portion and TCEQ approval. The new completion day would be May 31, 2013.

The contract requires notification, per Section 2, 2.01. B., to proceed with the construction phase, which was originally to take approximately 13 weeks, per the original construction schedule.

We have compressed the construction time to approximately 6 weeks, per the updated construction schedule, which is attached. We have done most of the planning for the construction phase, which will allow the field work to be expedited, when compared to the original construction schedule in our proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Wachsmann', with a long horizontal flourish extending to the right.

Gary Wachsmann
Project Manager

Cc: Mark L. Boyer - Boyer, Inc.

