

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

FIFTH AMENDMENT TO PROFESSIONAL
 DESIGN ENGINEERING SERVICES AGREEMENT
 RECONSTRUCTION PROJECT FM 1093 (Westpark Tollway) -Phase I

THIS FIFTH 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 DANNENBAUM ENGINEERING CORPORATION, (hereinafter referred to as "Engineer,") authorized to conduct business in the State of Texas.

WITNESSETH

County and Engineer previously entered an Agreement for Professional Design Engineering Services dated November 22, 2011 (hereinafter referred to as the "Agreement") for Phase I of the improvements to FM 1093 from State Highway 99 to west of FM 359, hereinafter referred to as the "Project." County and Engineer now desire to further amend said Agreement as set forth below for Phase I of the Project.

AGREEMENT

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

- A. An additional amount not-to-exceed \$432,323.00 shall be available for Phase I Post-Design services performed by Engineer as described in Exhibit A. The total cost for Phase I and Phase II of the Project shall not exceed \$11,676,126.00.
- B. No additional funding shall be available for services provided under the Agreement without prior written consent of the Fort Bend County Commissioners Court.
- C. Except as modified herein, the Agreement remains in full force and effect and has not been modified or amended.
- D. If there is a conflict between this Fifth Amendment and the Agreement, the provisions of this Fifth Amendment shall prevail.
- E. Attached hereto to this Amendment is Exhibit A, Scope of Work from Engineer and Fees dated February 09, 2015. Exhibit B, Agreement for Professional Design Engineering Services dated November 22, 2011, is incorporated by reference and is set forth herein verbatim for all purposes.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

EXECUTION

This Fifth Amendment shall become effective upon execution by County.

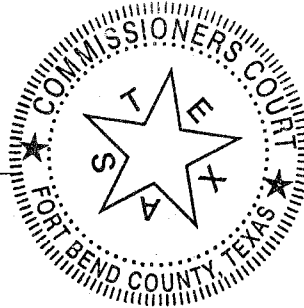
FORT BEND COUNTY:

Robert E. Hebert
Robert E. Hebert
Fort Bend County Judge

2-23-2016
Date

Attest:

Laura Richard
Laura Richard, County Clerk



Approved: COUNTY ENGINEER

Richard W. Stolleis
Richard W. Stolleis, P.E.

ENGINEER: DANNENBAUM ENGINEERING CORPORATION

David B. Milner
Signature

2/15/16
Date

Printed Name: David B. Milner

Title: Vice President

Attest:

[Signature]

MER:Dannenbaum.PSA.FMI093.AMEND.3976

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 11,676,126.⁰⁰ to accomplish and pay the obligation of the Fort Bend County under this contract.

[Signature]
Ed Sturdivant, Fort Bend County Auditor

In accordance with Article 19.12, of the Contract Professional Design Engineering Services Agreement Reconstruction Project FM 1093, the following is described as Supplemental Work Authorization.

Phase I Westpark Extension – Post-Design Services

Scope of Work for Post-Design Services

THE WORK IS AS FOLLOWS:

On behalf of Fort Bend County, the Engineer shall provide post-design services on an as-required basis. It is anticipated that requests for post-design services, while not limited to, shall include such services as (1) Right-of-Way Staking, (2) Post-Design Utility Coordination, (3) Post-Design ROW Acquisition Support, (4) Shop Drawing Review (5) Requests for Information (RFI), (6) Field Change Orders and Requests, and (7) Non-Conformance Report (NCR) evaluation and resolution. The Engineer will attend any pre-construction and weekly status meetings as required.

The work shall conform to the applicable requirements of the primary engineering services agreement, Texas Department of Transportation (TxDOT) and the Federal Highway Administration (FHWA). All work to be performed under this contract shall be subject to review and approval by TxDOT and FHWA.

Exhibit A

FM1093 WESTPARK PROGRAM
 PHASE I

FEBRUARY 2016

WORK ELEMENT	Additional Engineering Costs 02/09/16
Phase I Post-Design Services	
Management & Engineering	
Management (DEC)	\$175,920.00
Segment B Design (Halff)	\$34,780.00
Segment C Design (BBI)	\$75,240.00
Segment D Design (Costello)	\$75,240.00
Traffic Signal, Signing, Illumination (TEDSI)	\$62,660.00
Extras	
Survey - Stake Right-of-Way (Weisser)	\$ 8,483.00
Totals	\$ 432,323.00

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
 CERTIFICATION OF FILING**

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Dannenbaum Engineering Corporation
 Houston, TX United States

Certificate Number:
 2016-13221

Date Filed:
 02/15/2016

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Fort Bend County

Date Acknowledged:
 02/23/2016

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.

23381 - 02/23/16 - Amendment 5
 Engineering Consulting Services - FM 1093/Westpark Extension, Amendment 5 (DEC #4593xx)

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Kaspar, Michael	Houston, TX United States		X
Milner, David	Houston, TX United States		X
Ahrens, Wayne	Houston, TX United States		X
Dannenbaum, James	Houston, TX United States	X	

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

 Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.

 Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath