

STATE OF TEXAS                   §  
   §  
 COUNTY OF FORT BEND         §

**AMENDMENT TO STANDARD UTILITY AGREEMENT  
 (U-0010: LEVEL 3 COMMUNICATIONS, LLC)**

**THIS 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 Level 3 Communications, LLC, (hereinafter "Utility"), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Standard Utility Agreement on March 22, 2016, (hereinafter "Agreement"); and

WHEREAS, the parties desire to amend the Agreement for additional work to be performed and an increase in the costs to be reimbursed by the County for such additional work.

**NOW, THEREFORE**, the parties do mutually agree as follows:

1. County shall pay Utility an additional forty-two thousand four hundred thirty-nine dollars and 52/100 (\$42,439.52), as reimbursement of fifty percent (50%) of the documented actual costs of the additional work to be performed as described in the Cost Estimate attached hereto as Exhibit "A" and incorporated herein for all purposes.
2. The maximum amount payable to Utility as reimbursement of fifty percent (50%) of the documented actual costs incurred for relocation of the utility in adjustment, removal, and/or relocation of the Utility's facilities under the terms of the Agreement is hereby increased to an amount not to exceed two hundred three thousand eight hundred thirteen dollars and 83/100 (\$203,813.83), authorized as follows:
 

\$161,374.31 under the Agreement; and  
 \$42,439.52 under this Amendment.
3. In no case shall the amount paid by County for all reimbursements to be made under the Agreement and this Amendment exceed the maximum amount payable as stated in the preceding Section 2 without further written amendment of the Agreement executed by the parties.

Except as provided herein, all terms and conditions of the Agreement shall remain unchanged.

---

Amendment to Standard Utility Agreement  
 (U-0010: Level 3 Communications, LLC)

Page 1 of 2

FORT BEND COUNTY

Robert E. Hebert  
Robert E. Hebert, County Judge

June 28, 2016  
Date

LEVEL 3 COMMUNICATIONS, LLC

Tom Mieczkowski  
Tom Mieczkowski  
Sr. Manager, OSP Relocations

6/20/16  
Date

ATTEST:

Laura Richard  
Laura Richard, County Clerk



APPROVED:

Richard W. Stolleis  
Richard W. Stolleis, P.E., County Engineer

APPROVED AS TO LEGAL FORM:

Marcus D. Spencer  
Marcus D. Spencer, First Assistant County Attorney

**AUDITOR'S CERTIFICATE**

I hereby certify that funds are available in the amount of \$203,813.83 to accomplish and pay the obligation of Fort Bend County under this contract.

Robert Ed Sturdivant  
Robert Ed Sturdivant, County Auditor

I:\Marcus\FM 1093-Westpark Tollway Project\Utility Relocations\Amend 1 - Std Util Agmt.Level 3.docx

# EXHIBIT A

**Level 3 Communications, LLC - U-0010 - Project Estimated Cost for Actual Costs**

County Project Name	FM 1093 Westpark Extension
Level 3 Project Name	SC35102 - FM 1093 Westpark Tollway Extension, Fort Bend County, TX (U-0010) --- Additional 4,467 FT of 8 Conduits + 9 HH
Date	5/17/2016

Project Activities	Capability	Activity	Act. ID	Unit of Measure	Estimate			Explanation
					Unit Cost	Number of Units	Total Spend	
	Engineering	Underground 1001'-10,000'	3	LF	\$0.40	4467.00	\$1,786.80	Engineering
	Engineering	As-Built Documentation	8	LF	\$0.15	4467.00	\$670.05	As-built documention
	Engineering	Senior Design Engineer	12	HRS	\$47.00	16.00	\$752.00	Engineering relocation project
	Engineering	OSP Design Engineer	13	HRS	\$37.00	16.00	\$592.00	OSP Design Engineer
	Engineering	CAD/GIS Operator	15	HRS	\$33.00	40.00	\$1,320.00	CAD/GIS Operator
	Engineering	Lead Inspector	16	DAY	\$385.00	30.00	\$11,550.00	Lead Inspector
	Underground	Directional Bore greater than 1500': 1 HDPE conduit up to 2"	UGB-30690S	FT	\$2.3125	4467.00	\$10,329.94	Directional Bore greater than 1500': 1 HDPE conduit up to 2" (Level 3 pro-rata share)
	Underground	Directional Bore greater than 1500': Additional HDPE conduit up to 2"	UGB-30700S	FT	\$0.3750	31269.00	\$11,725.88	Directional Bore greater than 1500': Additional HDPE conduit up to 2" (Level 3 pro-rata share)
	Underground	Place up to 288 count FOC in conduit, up to 1500'	UGB-30960S	FT	\$1.2500	4767.00	\$5,958.75	Place up to 288 count FOC in conduit, up to 1500'
	Underground	Place New - 30"x48"x36" - Non-concrete Manhole / Handhole	UGB-31270S	EA	\$201.25	9.00	\$1,811.25	Place New - 30"x48"x36" - Non-concrete Manhole / Handhole (Level 3 pro-rata share)
	Underground	Intercept Conduit: WYE Cast 2"	UGB-30930S	EA	\$475.00	1.00	\$475.00	Intercept Conduit: WYE Cast 2"
	Underground	Remove and dispose of cable	UGB-31060S	FT	\$0.80	4767.00	\$3,813.60	Remove and dispose of cable
	Underground	Place Locate Marker Post	UGB-31990S	EA	\$50.00	8.00	\$400.00	Place Locate Marker Post
	Splicing and Testing	Reel Testing (Initial OTDR acceptance test) >72, up to 144 Fibers per reel	316	EA	\$3.00	144.00	\$432.00	Reel test 1 reel of 144 count cables.
							Sub	\$51,617.26

Capability	Activity	Act. ID	Unit of Measure	Unit Cost	Number of Units	Total Spend	Explanation
Underground Construction	Level 3 Fiber Material	A501	FT	\$1.700	5000.00	\$8,500.00	144 count fiber optic cable.
Underground Construction	Conduit: WYE Cast 2"	MAT-90360S	EA	\$250.000	1.00	\$250.00	Conduit: WYE Cast 2"
Underground Construction	Conduit: 1 1/2" HDPE SDR-11	MAT-90080S	FT	\$0.080	31269.00	\$2,501.52	Conduit: 1 1/2" HDPE SDR-11 (Level 3 pro-rata share)
Underground Construction	Tier 15 30"x48"x36" - With knock-outs and racking - Including Cover	MAT-90970S	EA	\$162.500	9.00	\$1,462.50	Tier 15 30"x48"x36" - With knock-outs and racking - Including Cover (Level 3 pro-rata share)
Underground Construction	Warning Tags and/or Markers	MAT-92090S	EA	\$95.000	8.00	\$760.00	Warning Tags and/or Markers
						Sub	\$13,474.02

Capability	Activity	Act. ID	Unit of Measure	Unit Rate	Number of Units	Total Spend	Explanation
Indirect Costs	Level 3 G&A Expense	L3601	Overhead	30.40%	65091.28	\$19,787.75	Field Operations Support in Construction, Engineering & Permitting, Splicing, Testing and Acceptance. Headquarters Support in Scheduling, Fiber planning, Engineering Review, Project Analysis, CAD support, Network Access, Testing and Acceptance Review and Approval, Project Manager Support, Legal Support, Legal Review of Documents.
						Total	\$84,879.03

**Fort Bend County Reimbursement (50%) = \$42,439.52**



# 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.**  
Level 3 Communications, LLC  
Broomfield, CO United States

Certificate Number:  
2016-73076

Date Filed:  
06/20/2016

**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:  
06/29/2016

**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 services, goods, or other property to be provided under the contract.**  
23381  
Utility Relocation regarding FM 1093/Westpark, Mobility Bond Project no. 748

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

**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