

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**AMENDMENT TO STANDARD UTILITY AGREEMENT
 (U-0018: FIBERLIGHT, 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 FiberLight, 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 thirty-nine thousand five hundred seventy-nine dollars and 83/100 (\$39,579.83), 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 one hundred seventy-eight thousand five hundred twenty dollars and 91/100 (\$178,520.91), authorized as follows:
 - \$138,941.08 under the Agreement; and
 - \$39,579.83 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.

FORT BEND COUNTY

Robert E. Hebert

Robert E. Hebert, County Judge

FIBERLIGHT, LLC

Kevin B. Coyne

Kevin B. Coyne, Chief Financial Officer

June 28, 2016

Date

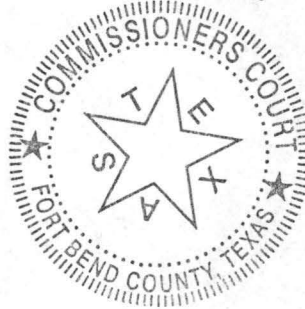
06/13/2016

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 \$ 178,520.96 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.FiberLight.docx

EXHIBIT A

Sow	FM 1093 and Westpark Relo			
Description	Relocation Construction - Additional 4,467 FT of 8 Conduits + 9 HH			
Market	TX, Houston			
PA	98059		2 conduits	
Task	Quantity	Unit Price	Fiberlight	Cost Breakdown
UGB-30690:UGB:Directional Bore Greater Than 1500':Directional Bore greater than 1500': 1 HDPE conduit up to 2"	4,467	9.86	\$ 44,044.62	Cost divided via pro-rata
UGB-31270:UGB:Handhole / Manhole Excavation & Placement:Place New - 30"x48"x36" - Non-concrete Manhole / Handhole	9	805.00	\$ 1,811.25	Costs divided 4 ways.
MAT-90970:MAT:Handhole / Manhole:Tier 15 30"x48"x36" - With knock-outs and racking - Including Cover	9	650.00	\$ 1,462.50	Costs divided 4 ways.
MAT-90080:MAT:Conduit :Conduit: 1 1/2" HDPE SDR-11	8,934	0.63	\$ 5,628.42	Cost divided via pro-rata
Engineering - Golden Field Services			\$ 712.86	Costs divided 4 ways.
216 Fiber	5,000	2.60	\$ 13,000.00	Labor and Materials
Two Additional Splice Locations			\$ 12,500.00	Labor and Materials
Total Relocation Cost			\$ 79,159.65	

Fort Bend County Reimbursement (50%)

\$ 39,579.83

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.
Fiberlight, LLC
Alpharetta, GA United States

Certificate Number:
2016-69731

Date Filed:
06/13/2016

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
23381- 06/13/16 - First Amendment to 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
	Coyne, Kevin	Alpharetta, GA United States	X	
	Kormos, Ronald	Alpharetta, GA United States	X	
	Cash, Tony	Alpharetta, GA United States	X	
	FL Investment Holdings, LLC	Denver, CO United States	X	
	Thermo Development, Inc.	Denver, CO United States	X	
	NT Assets, LLC	Denver, CO United States	X	
	Covard, Randall	Alpharetta, GA 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