

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**FIFTH AMENDMENT TO
 PROFESSIONAL ENGINEERING SERVICES AGREEMENT
 PROJECT NO. 709 – GOLFVIEW DRIVE**

THIS FIFTH 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 Kelly R. Kaluza & Associates, Inc., (hereinafter “Engineer”), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Professional Engineering Services Agreement on August 23, 2011, (hereinafter “Agreement”), a First Amendment dated May 8, 2012, (hereinafter “First Amendment”), a Second Amendment to the Professional Services Agreement dated May 7, 2013, (hereinafter “Second Agreement”), a Third Amendment to the Professional Services Agreement dated March 24, 2015, (hereinafter “Third Amendment”) and a subsequent Fourth Amendment to the Professional Services Agreement dated April 5, 2016, (hereinafter “Fourth Amendment”) pursuant to SOQ 07-080; and

WHEREAS, the parties desire to further amend the Agreement to include additional construction phase services and increase the maximum compensation for such services.

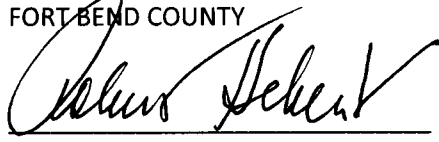
NOW, THEREFORE, the parties do mutually agree as follows:

1. Services to be rendered under the Agreement shall be amended to add additional construction phase services as described in the Scope of Work attached hereto as Exhibit A, and incorporated herein for purposes.
2. County shall pay Engineer an additional fourteen thousand four hundred dollars and no/100 (\$14,400.00), for the additional construction phase services to be rendered under this Amendment.
3. The Maximum Compensation payable to Engineer for Services rendered is hereby increased to an amount not to exceed eight hundred sixty-six thousand one hundred dollars and no/100 (\$866,100.00), authorized as follows:
 - A. \$600,000.00 under the Agreement;
 - B. \$77,000.00 under the Amendment;
 - C. \$60,000.00 under the Second Amendment;
 - D. \$84,810.00 under the Third Amendment;
 - E. \$29,890.00 under the Fourth Amendment; and
 - F. \$14,400.00 under this Fifth Amendment.
4. In no case shall the amount paid by County for all Services under the Agreement and any subsequent amendment thereof exceed the Maximum Compensation without an agreement executed by the parties.

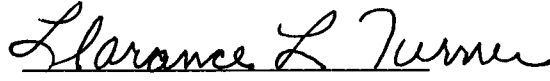
Fifth Amendment to Professional Engineering Services Agreement
 2007 Mobility Bond Project No. 709 Golfview Drive

Except as provided herein, all terms and conditions of the Agreement, the First, Second, Third and Fourth Amendments shall remain unchanged.

FORT BEND COUNTY


Robert E. Hebert, County Judge

KELLY R. KALUZA & ASSOCIATES, INC.

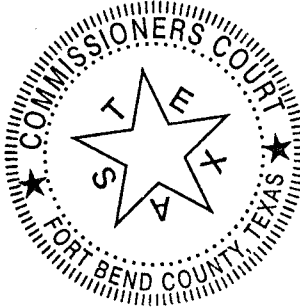

Llarance L. Turner, R.P.L.S., President

July 5, 2016
Date

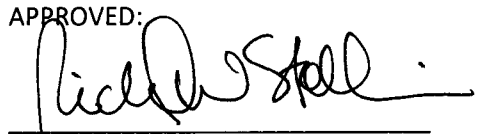
6-23-16
Date

ATTEST:


Laura Richard, County Clerk



APPROVED:


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

APPROVED AS TO LEGAL FORM:


Marcus D. Spencer, First Assistant County Attorney

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 866,100.00 to accomplish and pay the obligation of Fort Bend County under this contract.


Robert Ed Sturdivant, County Auditor

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EXHIBIT A

ATTACHMENT "A"

**FORT BEND COUNTY
CONSTRUCTION PHASE SERVICES ON GOLFVIEW DRIVE -
PAVING, DRAINAGE AND UTILITY IMPROVEMENTS
AND RABBS BAYOU IMPROVEMENTS
FORT BEND COUNTY, TEXAS**

**SCOPE OF WORK FOR PROFESSIONAL ENGINEERING AND SURVEYING SERVICES
FOR FORT BEND COUNTY, TEXAS**

The following scope of work consists of the Professional Engineering and Surveying Services to be provided to Fort Bend County, hereinafter called "COUNTY", and by Kelly R. Kaluza & Associates, Inc., hereinafter called "ENGINEER".

Scope of Work

Base engineering and surveying services and related additional project services for the project are summarized as follows:

I. Additional Construction Phase Services for Golfview Drive

A. Additional Construction Phase Services – Paving and Drainage

- Project Meetings
- Coordination with City of Richmond and Administration
- Review and Approve Pay Request
- Verify Sanitary Sewer Backfill Operation and Installation
- Verify Drainage Structures Backfilled Properly
- Inspect Forms and Steel Prior to Concrete Pour
- Observe Concrete Pavement Installation
- Final Inspection

**A. Fee for Construction Phase Services -
Paving and Drainage = \$ 14,400.00**

TOTAL ENGINEERING FEES = \$ 14,400.00

Additional Services

If authorized by COUNTY, ENGINEER will furnish the following Additional Services that are not considered a normal or customary part of the Scope of Work. Additional Services shall be paid for on an hourly basis at the rate shown in the Schedule of Hourly Rates by Personnel Classification (Attachment "B"). Separate budgets will be established for any Additional Services authorized by the COUNTY.

NO ADDITIONAL SERVICES ARE ANTICIPATED FOR THIS PROJECT AT THIS TIME.

1. Services resulting from significant changes in the general scope of the project.
2. Revisions to previously approved plans, reports, traffic studies, or other project documents.
3. New and/or additional acquisition activities resulting from unknown needs prior to project initiation, site changes, and/or condemnation proceedings.
4. Assistance to the COUNTY as an expert witness in any litigation with third parties, arising from the development or construction of the project, including preparation of engineering data and reports.
5. Services after issuance of Certificate of Completion, and any other special or miscellaneous assignments specifically authorized by the COUNTY.

Schedule

Schedule for Construction Phase activities will be determined by the COUNTY.

Compensation

Engineering and surveying services to be provided under this contract shall be compensated as outlined below.

I. Additional Construction Phase Services on Golfview Drive - Paving, Drainage and Utility Improvements and Rabbs Bayou Improvements, Fort Bend County, Texas

A. Additional Construction Phase Services – Paving and Drainage - \$ 14,400.00

Total Engineering and Surveying Fees = \$ 14,400.00

ENGINEER will invoice COUNTY on a monthly basis for services rendered during the preceding month. Invoices will be based on the ENGINEER's estimate of percentage completion to date of invoice.

COUNTY agrees to remit ENGINEER's invoices in full within thirty (30) days of receipt.

ATTACHMENT "B"

SCHEDULE OF HOURLY CHARGES BY PERSONNEL CLASSIFICATION
Effective June, 2013

KELLY R. KALUZA & ASSOCIATES, INC.
CONSULTING ENGINEERS, SURVEYORS, AND PLANNERS

The charges for professional Engineering, Surveying, and Drafting services are based on the following daily or hourly rates:

ENGINEERING, SURVEYING, AND DRAFTING

Principal.....	\$ 175.00/Hour
Sr. Project Manager.....	\$ 150.00/Hour
Project Manager.....	\$ 145.00/Hour
Survey Manager.....	\$ 140.00/Hour
Project Engineer.....	\$ 110.00/Hour
Project Surveyor.....	\$ 90.00/Hour
Sr. Designer.....	\$ 90.00/Hour
Designer.....	\$ 80.00/Hour
CAD Technician.....	\$ 70.00/Hour
Contract Coordinator.....	\$ 65.00/Hour
Secretarial.....	\$ 60.00/Hour
Field Party (2 Men).....	\$ 120.00/Hour
Field Party (3 Men).....	\$ 140.00/Hour
Field Party (4 Men).....	\$ 150.00/Hour
Construction Observation.....	\$ 750.00/Day

ADDITIONAL EXPENSES

1. Reproduction Work - At prevailing commercial rate.
2. Field Note Descriptions - \$70.00/Set.
3. ATV Rental - \$115.00/Day.
4. Other Consultants at actual cost.
5. All Other Expenses at actual cost.
6. Global Positioning System (GPS) Surveying an additional charge of \$25.00 per hour will be charged for equipment.

Charges are due and payable within thirty (30) days after receipt of invoice.
Interest will be charged at the rate of 1.5% per month for late payments.

KELLY R. KALUZA & ASSOCIATES, INC.
Consulting Engineers & Surveyors
Engineering Firm No. F-1339 Surveying Firm No. 10010000
3014 Avenue I, Rosenberg, Texas 77471
Phone: (281) 341-0808
Fax: (281) 341-6333

Rates Subject to Change

06/13

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.

Kelly R. Kaluza & Associates, Inc.
 Rosenberg, TX United States

Certificate Number:
 2016-75733

Date Filed:
 06/23/2016

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:

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.

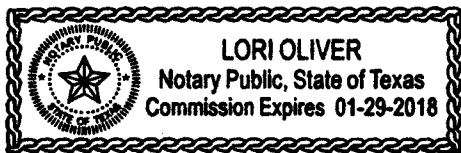
Vendor No. 13647
 Fifth Amendment to 2007 Mobility Bond Project No. 709 Golfview Drive (Engineering)

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Turner, Llarance	Rosenberg, TX United States	X	
	Griffith, Charles T.	Rosenberg, TX United States	X	
	Oliver, Lori	Rosenberg, 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.



Llarance L Turner
 Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Llarance Turner, this the 23rd day of June, 2016, to certify which, witness my hand and seal of office.

Lori Oliver
 Signature of officer administering oath

Lori Oliver
 Printed name of officer administering oath

Notary Public
 Title of officer administering oath

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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Rosenberg, TX United States

Certificate Number:
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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:
07/05/2016

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.

Vendor No. 13647
Fifth Amendment to 2007 Mobility Bond Project No. 709 Golfview Drive (Engineering)

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Turner, Llarance	Rosenberg, TX United States	X	
	Griffith, Charles T.	Rosenberg, TX United States	X	
	Oliver, Lori	Rosenberg, 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