

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**FOURTH AMENDMENT TO AGREEMENT FOR
 PROFESSIONAL ENGINEERING SERVICES**

THIS FOURTH 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 Brown & Gay Engineers, Inc., (hereinafter "Contractor"), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Agreement for Professional Engineering Services on July 8, 2014, (hereinafter "Agreement") pursuant to SOQ 14-025, as amended by documents dated March 24, 2015, (hereinafter "First Amendment") to add geotechnical services; June 23, 2015 (hereinafter "Second Amendment") to add surveying services and August 9, 2016 (hereinafter "Third Amendment") to add additional metes and bounds services; and

WHEREAS, the parties desire to further amend the Agreement to add drainage redesign services.


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

1. Services to be rendered under the Agreement shall be amended to add a drainage redesign to accommodate property acquisition, as described in the Proposal for Professional Services – Additional Services (Drainage Redesign) dated November 3, 2016, attached hereto as Exhibit A, and incorporated herein for purposes.
2. County shall pay Contractor an additional sixty-two thousand dollars and no/100 (\$62,000.00) for the professional redesign services to be rendered under this Fourth Amendment.
3. The Maximum Compensation payable to Contractor for Services rendered is hereby increased to an amount not to exceed two hundred thirty-two thousand one hundred ten dollars and no/100 (\$232,110.00), allocated as follows:
 - A. \$150,000.00 under the Agreement;
 - B. \$11,110.00 under the First Amendment;
 - C. \$6,000.00 under the Second Amendment
 - D. \$3,000.00 under the Third Amendment; and
 - E. \$62,000.00 under this Fourth Amendment.
4. In no case shall the amount paid by County for all Services under the Agreement or any subsequent amendment exceed the Maximum Compensation without written agreement executed by the parties.

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

FORT BEND COUNTY

BROWN & GAY ENGINEERS, INC.



Robert E. Hebert, County Judge


Gary R. Myers, PE, Transportation Systems Director

January 10, 2017
Date

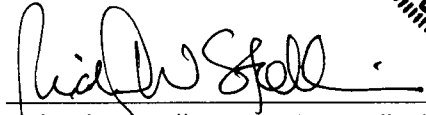
1-3-2017
Date

ATTEST:


Laura Richard, County Clerk



APPROVED:

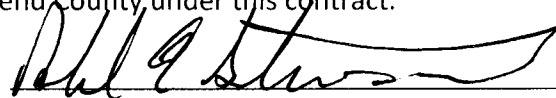

Richard W. Stolleis, P.E., County Engineer

APPROVED AS TO LEGAL FORM:


Assistant County Attorney

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 232,110.⁰⁰ to accomplish and pay the obligation of Fort Bend County under this contract.


Robert Ed Sturdivant, County Auditor

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EXHIBIT A



November 3, 2016

Mr. Richard Stolleis, P.E.
Fort Bend County Engineering
1142 Blume Road
Rosenberg, TX 77471-1449

Re: Proposal for Professional Services – Additional Services (Drainage Redesign)
Spring Green Boulevard (Avalon at Katy to Hawks Prairie Blvd.)
CIP Project Number 13318
Fort Bend County, Texas

Dear Mr. Stolleis:

Brown & Gay Engineers, Inc. (BGE) is pleased to submit this proposal for professional services – additional services for the referenced project. Fort Bend County previously approved the basic services proposal for this project. After discussions with the property owner, it was determined that a redesign of the project to eliminate the need for acquisition of additional property was required. As requested by Fort Bend County staff, we are presenting this proposal for the additional cost to redesign the project. The scope of services, estimated fees and schedule are described herein.

SCOPE OF SERVICES

BGE will revise the construction drawings, bid document and hydraulic report to match the agreement between Ft. Bend County and the property owner to minimize property needs, as discussed with Fort Bend County staff. The redesign will include the following:

I. BASIC SERVICES

- A. Revise drainage outfall along Katy-Flewellen Road from the proposed detention pond to directly outfall into T106-00-00. Remove proposed detention pond and outfall adjacent to Katy-Flewellen Road from plans.
- B. Coordinate with adjacent Fort Bend County design engineer for Katy-Flewellen Road extension.
- C. Update hydraulic calculations for relocated outfall along Katy-Flewellen Road.
- D. Remove from the current plans the drainage channel along the west property line of the Davoody tract.
- E. Prepare layout for a 60" RCP along the west side of the Davoody Tract from Crossover Road to new interim detention basin.
- F. Coordinate with adjacent design engineer for Crossover Road.
- G. Prepare plans for the new interim detention basin to accept the 60" RCP from Crossover Road and outfall into T106-00-00.
- H. Coordinate with Fort Bend County Drainage District and Fort Bend MUD 163.
- I. Update Storm Water Pollution Prevention Plan.
- J. Update Construction Sequence of Construction to reflect changes in design and construction.

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- K. Update various sheets to represent the required plan modifications:
 - a. Index of sheets
 - b. TCP Sheets (7 Sheets Total)
 - c. Roadway P&P Sheets (2 Sheets)
 - d. Drainage Area Map
 - e. Ditch Grading Plan (East) Sheet
- L. Update Quantities, Bid Tabs and Cost Estimate.
- M. Coordination with utilities (pipeline) along Katy-Flewellen Road.
- N. Attend coordination/review meetings with the County Engineer or their representatives

II. ADDITIONAL SERVICES

A. SURVEYING

Perform all work necessary to complete field survey for the new interim detention basin on the northwest corner of the Davoody Tract. The area to be surveyed is approximately 825' by 125' on the Davoody Tract and the slope and flowline along the Fort Bend County drainage channel T106-00-00 for the basin outfall.

B. METES & BOUNDS

Prepare metes and bounds for the dedicated right-of-way for the proposed drainage outfall and detention basin.

C. HYDROLOGY/HYDRAULICS

Update the approved Drainage Impact Study with the new design elements and get approval from Fort Bend County Drainage District. Updated report will reflect revised Phase 1 (Interim with County roadway projects only) and fully-developed (with development of Davoody tract) conditions.

III. CONSTRUCTION PHASE SERVICES

- A. Most of the construction phase service allocated from the original contract was used after the original design was completed in coordination efforts with the landowner and Ft. Bend County that initiated this additional service request.

FEES

I. BASIC SERVICES

Compensation for Basic services will be on a lump sum basis.

- A. Update design plans, bid document, hydraulic report and coordination: **\$32,000**

II. ADDITIONAL SERVICES

Compensation for Additional Services will be on a lump sum basis as shown below:

| | |
|-------------------------|----------|
| A. Surveying | \$2,000 |
| B. Metes & bounds | \$3,000 |
| C. Hydrology/Hydraulics | \$13,000 |

III. CONSTRUCTION PHASE SERVICES

A. Hourly billing not to exceed for construction phase services. \$12,000*

*\$12,000 is the same amount for construction phase services as in the original contract.

SCHEDULE

We anticipate that the redesign of the project will take 40 calendar days.

We appreciate the opportunity to provide this proposal to Fort Bend County and look forward to working together to toward completion of this important project. If you have any questions, please let us know.

Sincerely,



M. Chad Criswell, P.E.
Project Manager



Gary R. Myers, P.E.
Transportation Systems Director

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.

Brown & Gay Engineers, Inc.
Houston, TX United States

Certificate Number:
2017-149754

Date Filed:
01/03/2017

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.

14-025
13318 Spring Green Amendment 04 Drainage Redesign

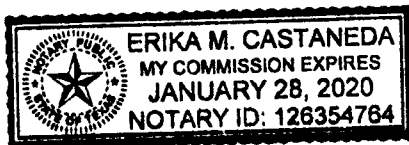
| 4 | Name of Interested Party | City, State, Country (place of business) | Nature of interest (check applicable) | |
|---|--------------------------|--|--|--------------|
| | | | Controlling | Intermediary |
| | Johnston, Dave | Houston, TX United States | X | |
| | Lennard, Lee | Houston, TX United States | X | |
| | Dillon, Doug | Houston, TX United States | X | |
| | Randermann, Randy | Houston, TX United States | X | |
| | | | | |
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| | | | | |
| | | | | |

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.



Gary R. Myers
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said GARY R. MYERS, this the 3rd day of January, 20 17, to certify which, witness my hand and seal of office.

Erika M. Castaneda
Signature of officer administering oath

ERIKA M. CASTANEDA
Printed name of officer administering oath

Project Coordinator
Title of officer administering oath

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
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Brown & Gay Engineers, Inc.
Houston, 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:
01/10/2017

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.

14-025
13318 Spring Green Amendment 04 Drainage Redesign

| 4 | Name of Interested Party | City, State, Country (place of business) | Nature of interest (check applicable) | |
|---|--------------------------|--|--|--------------|
| | | | Controlling | Intermediary |
| | Johnston, Dave | Houston, TX United States | X | |
| | Lennard, Lee | Houston, TX United States | X | |
| | Dillon, Doug | Houston, TX United States | X | |
| | Randermann, Randy | Houston, TX United States | X | |
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| | | | | |

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