

STATE OF TEXAS           §  
                                       §  
 COUNTY OF FORT BEND   §

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

**THIS SIXTH 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 and II 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 \$681,636.00 shall be available for Phase I Post-Design services, Phase II-A Post Design services, and Phase II design modifications performed by Engineer as described in Exhibit A. The total cost for Phase I and Phase II of the Project shall not exceed \$12,357,762.00.
- 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 Sixth Amendment and the Agreement, the provisions of this Sixth Amendment shall prevail.
- E. Attached hereto to this Amendment is Exhibit A, Scope of Work from Engineer and Fees dated November 15, 2017. 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 Sixth Amendment shall become effective upon execution by County.

FORT BEND COUNTY:

Grady Prestage

Grady Prestage, Commissioner, Precinct 2  
Presiding Officer, Commissioners Court, November 28, 2017

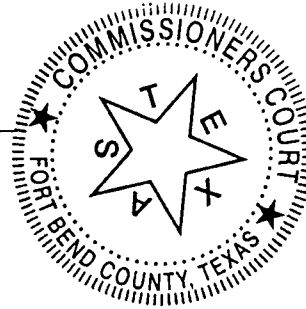
11-28-17

Date

Attest:

Laura Richard

Laura Richard, County Clerk



Approved: COUNTY ENGINEER

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

ENGINEER: DANNENBAUM ENGINEERING CORPORATION

Wayne G. Ahrens  
Signature

11/20/17  
Date

Printed Name: WAYNE G. AHRENS

Title: EXECUTIVE VICE PRESIDENT

Attest:

Will J. [Signature]

MER:Dannenbaum.PSA.FMI093.AMEND.3976

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 12,357,762.00 to accomplish and pay the obligation of the Fort Bend County under this contract.

Ed Sturdivant  
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 II Westpark Extension – Management, Engineering, and Surveying for auxiliary lanes, right-turn lanes, and right-of-way mapping.**

**Scope of Work for Design Services**

**THE WORK IS AS FOLLOWS:**

On behalf of Fort Bend County, the Engineer will generate design plans to incorporate intersection adjustments associated with future Texas Heritage Parkway, Bois D' Arc Lane, and Katy-Fulshear Road; additional right-turn lanes to St. Faustina Catholic Church, Cross Creek Ranch, and Lamar CISD High School; corresponding survey and ROW Mapping revisions; the division of the Phase II project into two separate bid packages; and utility coordination and relocation design. The pre-final design plans have been submitted and reviewed by TxDOT Plan Review. The Engineer will meet with TxDOT to discuss the design, and will then submit updated plans to TxDOT. Updated plans will include Typical Sections, Traffic Control Plans, Roadway Plan & Profiles, Storm Sewer Plan & Profiles, Signal Layouts, Pavement Markings, Signing Layouts, Cross Sections, and other associated plans.

In addition, the Phase II proposed right-of-way mapping will be updated to address changes implemented during the ROW acquisition process. The right-of-way mapping documents have been approved by TxDOT. The Engineer will submit documents to TxDOT and the County for advancement of the right-of-way acquisition process.

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.

**Phase I & II-A 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.

This scope of work does not include Post-Design Services for Phase II-B.

FM1093 WESTPARK PROGRAM  
PHASE I & II

NOVEMBER 2017

WORK ELEMENT	Additional Engineering Costs 11/15/17
<b>Phase I Post-Design Services</b>	
<b>Management &amp; Engineering</b>	
Management (DEC)	\$ 18,918.00
Segment C Design (BBI)	\$ 7,225.00
Segment D Design (Costello)	\$ 18,432.00
TCP, Hydraulic Impact Study (Klotz)	\$ 10,890.00
Traffic Signal, Signing, Illumination (TEDSI)	\$ 3,486.00
<b>Sub Total</b>	<b>\$ 58,951.00</b>
<b>Phase II Design</b>	
<b>Management &amp; Engineering</b>	
Management (DEC)	\$ 53,416.00
Segment A Design (CivilCorp)	\$ 52,282.00
Segment B1 Design (DEC)	\$ 43,425.00
Traffic Control Plan Design (DEC)	\$ 22,256.00
Hydraulic Impact Study (Klotz)	\$ 8,470.00
Traffic Engineering (TEDSI)	\$ 3,571.00
<b>Extras</b>	
Survey (Weisser)	\$ 2,500.00
ROW Parcel Mapping (Weisser)	\$ 32,000.00
Utility Relocation Design (DEC)	\$ 59,807.00
Utility Coordination (DEC)	\$ 35,611.00
<b>Sub Total</b>	<b>\$ 313,338.00</b>
<b>Phase II-A Post-Design Services</b>	
<b>Management &amp; Engineering</b>	
Management (DEC)	\$143,688.00
Segment B Design (Dannenbaum)	\$48,130.00
Segment B Design (Halff)	\$53,973.00
Traffic Signal, Signing, Illumination (TEDSI)	\$28,056.00
<b>Extras</b>	
Survey - Stake Right-of-Way (Weisser)	\$ 27,500.00
ROW Parcel Mapping (Weisser)	\$ 8,000.00
<b>Sub Total</b>	<b>\$ 309,347.00</b>
<b>Total</b>	<b>\$ 681,636.00</b>

**DANNENBAUM ENGINEERING CORPORATION**

3100 WEST ALABAMA HOUSTON, TEXAS 77098 PO Box 22292 HOUSTON, TEXAS 77227 (713) 520-9570

EXPERIENCE  
INTEGRITY  
SERVICE

November 20, 2017

Mr. Richard W. Stolleis, P.E.  
Fort Bend County Engineer  
301 Jackson Street, 4<sup>th</sup> Floor  
Richmond, Texas 77469

Reference: FM1093 Westpark Extension - Sixth Amendment to Agreement

Dear Richard:

We are pleased to submit for your approval the scope and fee proposal for Phase I post-design services, Phase II design modifications, and Phase II-A post-design services. This proposal addresses the additional effort requested of the design team to support Fort Bend County's construction team during construction of both Phase I and Phase II projects, as well as design modifications that have been implemented within the Phase II project.

It is anticipated that the post design effort will include right-of-way staking, post-design utility relocation coordination, post-design right-of-way acquisition support, shop drawing reviews, request for information responses, change order responses, and non-conformance report resolution. The design team will attend construction coordination meetings as directed by the County and its construction management team.

Design modifications implemented on the Phase II project have included intersection adjustments associated with future Texas Heritage Parkway, Bois D' Arc Lane, and Katy-Fulshear Road; additional right-turn lanes to St. Faustina Catholic Church, Cross Creek Ranch, and Lamar CISD High School; corresponding survey and ROW Mapping revisions; the division of the Phase II project into two separate bid packages; and utility coordination and relocation design.

The Sixth Amendment to Professional Design Engineering Services Agreement covers efforts from the design team during design and construction. I ask for your approval and execution of a contract supplement in the amount of \$681,636 as supported by the attached documentation.

Respectfully,



David R. Milner, P.E.  
Vice President and Program Manager

Attachments

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

**OFFICE USE ONLY  
CERTIFICATION OF FILING**

Certificate Number:  
2017-285810

Date Filed:  
11/20/2017

Date Acknowledged:

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.

**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

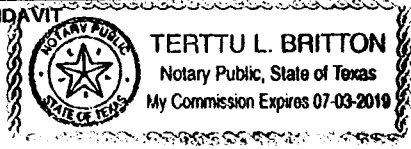
**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**  
Fort Bend County

**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 - 11/20/17 - Amendment 6  
Engineering Consulting Services - FM 1093/Westpark Extension, Amendment 6 (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**



**TERTTU L. BRITTON**  
Notary Public, State of Texas  
My Commission Expires 07-03-2019

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

*Wayne G. Ahrens*  
\_\_\_\_\_  
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Wayne G. Ahrens, this the 20th day of November, 2017, to certify which, witness my hand and seal of office.

*Terttu L. Britton*  
\_\_\_\_\_  
Signature of officer administering oath

Terttu L. Britton  
\_\_\_\_\_  
Printed name of officer administering oath

Notary Public, State of Texas  
\_\_\_\_\_  
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  
 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:  
 2017-285810

Date Filed:  
 11/20/2017

**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:  
 11/28/2017

**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.**  
 23381 - 11/20/17 - Amendment 6  
 Engineering Consulting Services - FM 1093/Westpark Extension, Amendment 6 (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