

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**AMENDMENT TO AGREEMENT FOR
 PROFESSIONAL CONSTRUCTION MATERIALS TESTING SERVICES**

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 Earth Engineering, 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 Construction Materials Testing Services on December 19, 2017, (hereinafter "Agreement") pursuant to SOQ 14-025; and

WHEREAS, the parties desire to amend the Agreement for additional services to be provided and increase the total Maximum Compensation for the completion of such additional services.

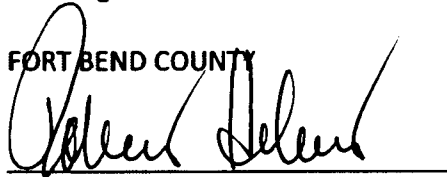
NOW, THEREFORE, the parties do mutually agree as follows:

1. County shall pay Contractor an additional six thousand five hundred fifty-two dollars and no/100 (\$6,552.00), for additional construction materials testing services as described in Contractor's proposal dated May 22, 2018 attached hereto as Exhibit "A" and incorporated herein for all purposes.
2. The Maximum Compensation payable to Contractor for Services rendered is hereby increased to an amount not to exceed twenty-four thousand eight hundred eighty-five dollars and no/100 (\$24,885.00), authorized as follows:
 \$18,333.00 under the Agreement; and
 \$6,552.00 under this Amendment.
3. In no case shall the amount paid by County for all Services under the Agreement and this Amendment exceed the Maximum Compensation without written agreement executed by both parties.
4. Certain State Law Requirements for Contracts
 - a. Agreement to Not Boycott Israel Chapter 2270 Texas Government Code: By signature below, Contractor verifies Contractor does not boycott Israel and will not boycott Israel during the term of this Agreement.

- b. Texas Government Code Section 2251.152 Acknowledgment:
By signature below, Contractor represents pursuant to Section 2252.152 of the Texas Government Code, that Contractor is not listed on the website of the Comptroller of the State of Texas concerning the listing of companies that are identified under Section 806.051, Section 807.051 or Section 2253.153.

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

FORT BEND COUNTY



Robert E. Hebert, County Judge

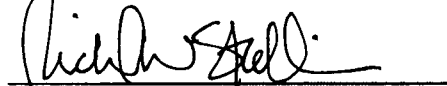
7.24.2018
Date

ATTEST:



Laura Richard, County Clerk

APPROVED:



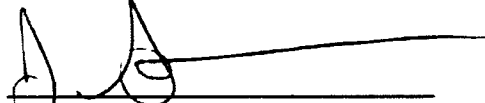
Richard W. Stolleis, P.E., County Engineer

APPROVED AS TO LEGAL FORM:



Marcus D. Spencer, First Assistant County Attorney

EARTH ENGINEERING, INC



Authorized Agent - Signature

Juanita Suhadeh
Authorized Agent - Printed Name

President
Title

7/10/18
Date

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 24,885 to accomplish and pay the obligation of Fort Bend County under this contract.



Robert Ed Sturdivant, County Auditor

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EXHIBIT A



EARTH ENGINEERING, INC.

Geotechnical, Materials Testing & Environmental Consultants
4877 Langfield Road • Houston, TX 77040 • T: (713) 681-5311 • F: (713) 681-5411 • www.eartheng.com

May 22, 2018

Mr. Robert W. Barnett, P.E.
Vice President /Transportation
2929 Briarpark Drive Suite #600
Houston, Texas 77042

Proposal No.: P-EE1827905-C
Sent via email: rbarnett@lja.com

Phone: (713) 953-5200

**CONSTRUCTION MATERIALS TESTING PROPOSAL FOR
CONSTRUCTION OF POWERLINE ROAD
FROM SPICE SPRINGS LANE TO SUNRISE MEADOW LANE
FOR FORTBEND COUNTY
BOND PROJECT 13110
BID 18-030
(AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES)**

Dear Mr. Barnett:

Earth Engineering, Inc. appreciates the opportunity to submit this proposal to provide construction materials testing (CMT) services for the above-referenced project.

SCOPE OF SERVICES

We will provide an engineering technician to perform testing of the following:

- Laboratory Testing
- Compaction Testing / Inspection (Underground Utilities)
- Compaction Testing Type D Asphalt
- Compaction Testing For Asphalt

TOTAL ESTIMATED COST OF SERVICES

This proposal is a time and materials contract with a do not exceed service cost of **\$6,552.00**.

Any additional costs incurred due to adverse weather conditions, contractor unpreparedness, equipment failures, sample retests, cancellations without a 24-hour notice will be billed to the contractor.

You will be billed only for the actual services provided. We will monitor the estimated testing budget during construction and will inform you if the actual services provided vary from the estimate due to items beyond our control.

TERMS AND CONDITIONS

- Project Manager Report Review at \$90/hour includes project report reviews and administrative processing charged at .25 hours per test report.
- All reports requiring Professional Engineer Review and Stamp will be charged a flat rate of \$250.00 per report.
- A Word Processor at \$48/hour includes report preparation charged at 0.5 hours per report with a minimum of 2 hours per invoice.
- This proposal is a time and materials contract with a do not exceed maximum of \$6,552.
- Earth Engineerin, Inc will not assume any additional costs incurred due to adverse weather conditions, contractor unpreparedness, equipment failures, cancellations without a 24-hour notice, or acts of God, etc.
- Earth Engineering, Inc. will submit a detailed monthly invoice which includes expended amounts and the proposed remaining budget amounts.
- A pre-construction meeting is strongly advised between the Owner, structural engineer, project manager, and the Contractor to review project specifications and the proposed budget.
- A monthly telephone call between the Project Manager and Earth Engineering is strongly recommended to review invoiced amounts, the remaining budget amount, and upcoming scope of work based on the construction progress schedule.
- **Overtime rates are 1.5 times the hourly rates.** Overtime rates are applicable as follows:
 - All hours worked in excess of eight hours per day.
 - All hours before 8:00 am and after 5:00 pm; Monday through Friday. (Unless otherwise negotiated)
 - All hours worked on Saturday.
- **Overtime rates are 2.0 times the hourly rates.** Overtime rates are applicable as follows:
 - Sundays and Holidays
- A minimum charge of 4 hours applies to technician services for earthwork, concrete, or asphalt materials plant and/or field inspection and testing. There will be no additional "per test" charge for field density tests.
- All Earth Engineering vehicles are equipped with GPS tracking system (Teletrac).
- All labor rates and transportation charges are invoiced on a portal-to-portal basis.
- A minimum of 24 hours advance notice is requested for scheduling or canceling field inspection or testing services. Work cancelled with less than 4 hours' notice is subject to the minimum charge if technician has been dispatched to the project site.
- Expenses such as consultant costs, delivery services, equipment rental, reproductions, subcontractor services, supplies, and travel including airfare, car rental, and lodging will be invoiced at cost + 20%



ESTIMATED COST OF SERVICE

<i>Service Description</i>	<i>Unit Fee</i>		<i>Amount</i>		<i>Estimated Cost</i>
Laboratory Testing					
Type D Asphalt Testing	\$ 300.00	each	5	each	\$1,500.00
Gradations	\$ 50.00	each	2	each	\$100.00
Lime Slurry % Solids	\$ 50.00	each	2	each	\$100.00
Vehicle Charge	\$ 10.00	hour	24	hours	\$240.00
			Subtotal		\$1,940.00
Type D Asphalt Compaction (+/- 82,800 Sq. Ft.)					
Soil Technician Hours	\$ 65.00	hour	40	hours	\$2,600.00
Nuclear Gauge	\$ 10.50	hour	40	hours	\$420.00
Vehicle Charge	\$ 10.00	hour	40	hours	\$400.00
			Subtotal		\$3,420.00
CMT Manager Review	\$ 149.00	hour	8	hours	\$1,192.00
			Total		\$6,552.00

Note :

Any additional costs incurred due to adverse weather conditions, contractor unpreparedness, equipment failures, sample retests, cancellations without a 24-hour notice will be billed to the contractor.

INSURANCE

Earth Engineering inc. maintains the following insurance:

- Professional Liability (errors and omissions): **one million/two million (aggregate).**
- General Liability: **two million.**
- Workman's Compensation: **one million.**
- Commercial Auto Insurance: **one million.**
- Umbrella Insurance: **five million**



PROPOSAL ACCEPTANCE

If this proposal meets with your approval, please sign and return to my attention. A signed facsimile of the agreement is acceptable, with the original to follow in the mail. This proposal will be held open for a period of 45 calendar days.

Thank you for the opportunity to submit this proposal. We will be contacting you shortly to answer any questions you may have regarding this proposal.

The client will be billed only for tests or inspections requested by the Owner and Contractor.

Sincerely,
EARTH ENGINEERING, INC.

Moe A. Shihadeh

Moe A. Shihadeh, P.E., D.GE
Diplomate Geotechnical Engineering

ACCEPTED BY:

SIGNATURE: _____

PRINT NAME: _____

COMPANY NAME: _____

TITLE: _____

DATE: _____





Down to Earth Solutions
for your Complex Projects

Geotechnical, Materials Testing & Environmental Consultants

4877 Langfield Road • Houston Texas 77040-6638 • 713-681-5311 • Fax 713-681-5411 • eartheng.com

PROJECT DATA SHEET

Project Name: (Budget Increase) Powerline Road	
Project Location:	
Your Job No.:	Purchase Order No.:
Project Manager:	Phone:

NUMBER AND DISTRIBUTION OF DAILY REPORTS

#1 Name:	#2 Name:
Company:	Company:
Address:	Address:
Telephone No.:	Telephone No.:
Fax No.:	Fax No.:

#3 Name:	#4 Name:
Company:	Company:
Address:	Address:
Telephone No.:	Telephone No.:
Fax No.:	Fax No.:

INVOICING

Name:
Company:
Address:
Telephone No.
Fax No.
Site Contact:
Other Pertinent Information:



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.

Earth Engineering, Inc.
Houston, TX United States

Certificate Number:
2018-377635

Date Filed:
07/10/2018

Date Acknowledged:

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.

Project 13110 - Powerline Road
Construction Materials Testing Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Shihadeh, Juanita	Houston, TX United States	X	
	Shihadeh, Moe	Houston, TX United States	X	

5 Check only if there is NO Interested Party.

☐

6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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07/24/2018

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Fort Bend County

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