

Modification/Change Order No.3 - Final  
 PO Number: 178925  
 Fort Bend County, Texas  
 EWP - Cane Island Branch of Buffalo Bayou Channel Bank Stabilization Phase I  
 Fort Bend County, Texas  
 November 8, 2019

#### DESCRIPTION OF MODIFICATION/CHANGE ORDER

Pursuant to General Requirement, Article 32.23 Quantity Variations, the contract shall be modified as following;

#### Changes to the Bid Schedule:

Item No.	Work or Material	Spec.	Final Quantity	Unit	Unit Price	Amount
4	Sediment Filters (decrease in quantity from 5000 LF to 4459 LF, decrease in contract amount by \$2,164.00)	5	4459	LF	\$4.00	\$ 17,836.00
8	Steel Sheet Piling (increase in quantity from 33442 SF to 34715 SF, increase in contract amount by \$61,294.95)	13	34715	SF	\$48.15	\$1,671,527.25
9	Drainfill (decrease in quantity from 2656 CY to 2446 CY, decrease in contract amount by \$9,450.00)	24	2446	CY	\$45.00	\$ 110,070.00
12	Vegetation, Hydro Mulch (decrease in quantity from 6 Ac to 5 Ac, decrease in contract amount by \$2,150.00)	6	5	Ac.	\$2,150.00	\$10,750.00

Pursuant to General Condition, Article 14.4, the contract shall be modified as following;

The Contractor shall install the swale as specified on the attached drawing labeled Mod 3. Compensation for this change shall be the contractor's deleted responsibility to restore the access point curb and rock riprap entrance; in addition the contractor shall not remove the silt fence along the access nor restore the chain link fence to it's original condition at the camp area.

Contract price increase - \$47,530.95

#### CONTRACTOR'S STATEMENT OF RELEASE

In consideration of the modification agreed to herein as complete equitable adjustment for the Contractors proposal, dated 11-8-2019, the Contractor hereby releases Fort Bend County from any and all liability under this contract for further equitable adjustments attributable to such facts or circumstances concerning the added work for the above added work, including all impacts to the work, overhead and profit.

**CONTRACT PAYMENT ESTIMATE  
AND CONSTRUCTION PROGRESS REPORT**

<b>CONTRACT NO &amp; DATE</b> PO 178925    7/1/2019		<b>COMPLETION DATES</b> 12/11/19		<b>ESTIMATE NO. &amp; DATE</b> 3 10/2/2019	
<b>NAME AND ADDRESS OF PAYEE</b> Shirly and Sons Construction Co. Inc. P.O. Box 429 Cleveland, Texas 77328		Original Revised Actual			
		Sheet 1 of 2 sheets			
<b>TOTAL AMOUNT EARNED</b>	<b>THIS PERIOD</b>	<b>\$237,794.85</b>	<b>To Date</b>	<b>\$2,049,302.10</b>	
<b>DEDUCTIONS:</b>					
Retained Percentage	10%		\$	181,150.73	
Previous Payments		\$ -	\$	1,630,358.53	
Other		\$ -	\$	-	
<b>Total Deductions</b>		<b>\$0.00</b>			<b>\$ 1,811,507.26</b>
<b>PAYMENT FROM:</b>					
Retained Percentage		181150.73		181150.73	
Other		\$ -	\$	-	
<b>Total</b>		<b>\$ -</b>		<b>\$ 181,150.73</b>	

**AMOUNT DUE** \$418,945.58 \$418,945.57

<b>STATUS OF CONTRACT WORK TO DATE</b>		<b>Total original estimated value of contract</b>	<b>\$1,950,252.30</b>
Percent of work completed	100.0%	<b>Revisions due to contract modifications</b>	<b>\$101,249.80</b>
Percent of performance time used	77.2%	<b>revisions due to 25% variation clause</b>	<b>\$0.00</b>
Percent of work scheduled	50.0%	<b>Total contract revised to date</b>	<b>\$2,051,502.10</b>

I hereby certify that I have inspected the above work; that to the best of my knowledge it is in accord with contract requirements and that the estimated quantities are correct; and that work herein for the period:

From 10/1/2019 to 11/7/2019  
has not been reported on any previous estimate.

Signature Thomas P. Beach Date 11-8-19  
Thomas P. Beach, PE

Approved [Signature] Date \_\_\_\_\_  
Grady Prestage, Commissioner, Precinct 2  
Presiding Officer, Commissioners Court, November 26, 2019

**COMMENTS BY COTR:**

**Release of Claims (To be completed on form for final payment only)**

I, Ronald Shirley do hereby release the United States of America and Fort Bend County Drainage District, from any and all claims of any character whatsoever arising under and by virtue of contract number PO 178925 dated November 11 2019 as amended, except as herein stated November 11 2019 signature of contractor

**DISTRIBUTION:**  
Contractor (with payment), Contracting Officer, Project Engineer, Inspector,

**CONTRACT PAYMENT ESTIMATE  
AND CONSTRUCTION PROGRESS REPORT**

<b>CONTRACT NO &amp; DATE</b> PO 178925    7/1/2019		<b>COMPLETION DATES</b> Original    12/11/19 Revised Actual		<b>ESTIMATE NO. &amp; DATE</b> 3 10/2/2019	
<b>NAME AND ADDRESS OF PAYEE</b> Shirly and Sons Construction Co. Inc. P.O. Box 429 Cleveland, Texas 77328				Sheet 1 of 2 sheets	
<b>TOTAL AMOUNT EARNED</b>		<b>THIS PERIOD</b>		<b>To Date</b>	
DEDUCTIONS:		\$237,794.85		\$2,049,302.10	
Retained Percentage	10%			\$ 181,150.73	
Previous Payments	\$ -			\$ 1,630,356.53	
Other	\$ -			\$ -	
<b>Total Deductions</b>	(-)	\$0.00		\$ -	\$ 1,811,507.26
<b>PAYMENT FROM:</b>		181150.73		181150.73	
Retained Percentage				\$ -	\$ 181,150.73
Other	\$ -				
<b>Total</b>		\$ -		\$ -	\$ 181,150.73

**AMOUNT DUE** \$418,945.58 \$418,945.57

<b>STATUS OF CONTRACT WORK TO DATE</b>		<b>Total original estimated value of contract</b>		\$1,950,252.30
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Percent of performance time used		77.2%	<b>revisions due to 25% variation clause</b>	\$0.00
Percent of work scheduled		50.0%	<b>Total contract revised to date</b>	\$2,051,502.10

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From 10/1/2019 to 11/7/2019  
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Signature Thomas P. Beach Date 11-8-19  
Thomas P. Beach, PE

Approved Grady Prestage Date \_\_\_\_\_  
Grady Prestage, Commissioner, Precinct 2  
Presiding Officer, Commissioners Court, November 26, 2019

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**DISTRIBUTION:**  
Contractor (with payment), Contracting Officer, Project Engineer, Inspector,

CONTRACT PAYMENT ESTIMATE AND CONSTRUCTION PROGRESS REPORT

CONTRACT NO. DR5090      ESTIMATE NUMBER 4      DATE 11/8/2019      SHEET 2 OF 2 SHEETS

ITEM NUMBER	ITEM	ORIGINAL OR MODIFIED QUANTITY UNIT		THIS PERIOD FROM: 10/1/2019 TO: 11/7/2019 QUANTITY UNIT PRICE AMOUNT		TOTAL TO-DATE FROM: 7/15/2019 TO: 11/7/2019 TOTAL QUANTITY TOTAL AMOUNT	
		QUANTITY	UNIT	QUANTITY	UNIT PRICE	AMOUNT	QUANTITY

**EWP -Cane Island Cannel Stabilization**

1	Clearing Class C	1	LS		\$	10,000.00	\$0.00	1.00	\$10,000.00
2	STRUCTURE REMOVAL	1	LS		\$	20,000.00	\$0.00	1.00	\$20,000.00
3	POLLUTION CONTROL	1	LS		\$	10,000.00	\$0.00	1.00	\$10,000.00
4	SEDIMENT FILTERS	5000	Lin Ft		\$	4.00	\$0.00	4,459.00	\$17,836.00
5	CONSTRUCTION SURVEYS	1	LS		\$	5,000.00	\$0.00	1.00	\$5,000.00
6	MOBILIZATION & DEMOB.	1	LS	0.15	\$	94,000.00	\$14,100.00	1.00	\$94,000.00
7	REMOVAL OF WATER	1	LS		\$	2,000.00	\$0.00	1.00	\$2,000.00
8	STEEL SHEET PILING	33442	SQFT	2678.709250	\$	48.15	\$128,979.85	34,715.00	\$1,671,527.25
9	DRAINFILL	2656	CU YD	1597	\$	45.00	\$71,865.00	2,446.00	\$110,070.00
10	FENCES, CHAIN LINK	300	Lin Ft	200	\$	22.00	\$4,400.00	200.00	\$4,400.00
11	CONTRACTOR QUALITY CONTROL	1.0000	LS	0.4000	\$	5,000.00	\$2,000.00	1.00	\$5,000.00
12	VEGETATION, HDRO MULCH SEEDING	6	AC	3	\$	2,150.00	\$6,450.00	5.00	\$10,750.00
13	SITE PREPARATION CLASS D SITE 106	1	LS		\$	5,000.00	\$0.00	1.00	\$5,000.00
14	SITE PREPARATION CLASS D SITE 106	1	LS		\$	5,000.00	\$0.00	1.00	\$5,000.00
15	SITE PREPARATION CLASS D SITE 106	1	LS		\$	5,000.00	\$0.00	1.00	\$5,000.00
16	SITE PREPARATION CLASS D SITE 106	1	LS	0.5	\$	6,000.00	\$3,000.00	1.00	\$6,000.00
17	SITE PREPARATION CLASS D SITE 106	1	LS	0.5	\$	7,000.00	\$3,500.00	1.00	\$7,000.00
18	SITE PREPARATION CLASS D SITE 106	1	LS	0.5	\$	7,000.00	\$3,500.00	1.00	\$7,000.00
19	Add Anchor Inst. 106, 107, 108	1021	Ft		\$	31.85	\$0.00	1,021.00	\$32,518.85
20	Anchor and Extension Sites 200, 201, 202	1	LS		\$	13,200.00	\$0.00	1.00	\$13,200.00
21	Change to Jet Filter JF4SSCVLV	1	LS		\$	8,000.00	\$0.00	1.00	\$8,000.00
							\$237,794.85		\$2,049,302.10

CONTRACT STATUS

STATUS OF CONTRACT WORK TO DATE		TOTAL ORIGINAL ESTIMATED VALUE OF CONF	\$1,950,252.30
PERCENT WORK COMPLETED	100.0%	REVISION DUE TO CONTRACT MODIFICATIONS	\$101,249.80
PERCENT PERFORMANCE TIME USED	77.2%	REVISIONS DUE TO 25% VARIATION CLAUSE	\$0.00
		TOTAL VALUE OF CONTRACT REVISED TO DAT	\$2,051,502.10

**Modification/Change Order No.3**

PO Number: 178925

Fort Bend County, Texas

EWP – Cane Island Branch of Buffalo Bayou Channel Bank Stabilization Phase I

Fort Bend County, Texas

November 8, 2019

<b>CHANGE ORDER/MODIFICATION NO.</b>		Effective Date:	Page 1 of 2
Contract: P.O.# 178925	Dated: 7/1/2019	Project: EWP – Cane Island Branch of Buffalo Bayou Channel Bank Stabilization Phase I	
Issued By (Contracting Local Organization): Fort Bend County		Issued To (Contractor): Shirley & Sons Construction Company Inc.	
TYPE OF MODIFICATION ( <i>check appropriate box below</i> )			
<input checked="" type="checkbox"/> CHANGE ORDER: Issued pursuant to Article 14.4 the changes set forth below are made by this modification.			
Contract Price	\$ 2,003,971.15	PERFORMANCE TIME: No Change	
Net Increase in Contract Price:	\$ 47,530.95		
REVISED Contract Price:	\$ 2,051,502.10		
ATTACHMENTS ( <i>If none, so state.</i> ):			
This modification is hereby made a part of the contract. Except as provided herein, all terms and conditions of the original contract (as revised) remain unchanged and in full force and effect.			
<b>CONTRACTOR'S RELEASE OF CLAIMS</b>			
In consideration of the modification agreed to herein as complete equitable adjustment for the Contractors proposal, dated 11-8-19, the Contractor hereby releases Fort Bend County from any and all liability under this contract for further equitable adjustments attributable to such facts or circumstances concerning the added work for the above added work, including all impacts to the work, overhead and profit.			
Recommended By:(print or type name/title of signer)			
Thomas P. Beach, PE M&E Consultants <i>Thomas P. Beach</i>			
<b>Important Note:</b> Contractor IS required to sign this document and return two (2) copies to the issuing office.			
CONTRACTOR (print or type name/title of signer)		Sponsors/Contracting Local Organization	
<i>Donald Shirley President</i>		Adam Wright Fort Bend County Drainage District	
SIGNATURE (person authorized to sign)	DATE	SIGNATURE (Project Manager)	DATE
<i>[Signature]</i>	11-11-19	<i>Adam Wright</i>	11-11-19

# 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.**  
 shirley & sons construction co.,inc.  
 CLEVELAND, TX United States

**Certificate Number:**  
 2019-560700

**Date Filed:**  
 11/12/2019

**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:**  
 11/26/2019

**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.**  
 B19-069  
 Emergency Water Shed Protection Cane Island Branch Channel Bank Stabilization Change Order #3

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

**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)