

**Modification/Change Order No.1**

Bid Number: 21-020

PO #: 195195

Fort Bend County Drainage District

EWP – Oyster Creek Channel Bank Stabilization Phase II

Fort Bend County, Texas

February 12, 2021

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      |                                                                                                                 |             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------|-------------|
| <b>CHANGE ORDER/MODIFICATION NO. 1</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                      | Effective Date:                                                                                                 | Page 1 of 1 |
| Contract: 21-020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Dated:<br>11/10/2020 | Project: EWP – Oyster Creek Channel Bank Stabilization Phase II                                                 |             |
| Issued By (Contracting Local Organization):<br>Fort Bend County                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      | Issued To (Contractor):<br>NBG Constructors, Inc                                                                |             |
| TYPE OF MODIFICATION (check appropriate box below)                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |                                                                                                                 |             |
| <input checked="" type="checkbox"/> CHANGE ORDER: Issued pursuant to Article 14.4 the changes set forth below are made by this modification.                                                                                                                                                                                                                                                                                                                                                      |                      |                                                                                                                 |             |
| Contract Price                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$ 4,495,380.00      | PERFORMANCE TIME: None                                                                                          |             |
| Net Increase in Contract Price:                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$ 185,072.97        |                                                                                                                 |             |
| REVISED Contract Price:                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$4,680,452.97       |                                                                                                                 |             |
| ATTACHMENTS (If none, so state.):                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      |                                                                                                                 |             |
| 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.                                                                                                                                                                                                                                                                                                 |                      |                                                                                                                 |             |
| <p align="center"><b>CONTRACTOR'S RELEASE OF CLAIMS</b></p> <p>In consideration of the modification agreed to herein as complete equitable adjustment for the Contractors proposal, dated 2-12-2021, 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.</p> |                      |                                                                                                                 |             |
| Recommended By: (print or type name/title of signer)<br><br>Thomas P. Beach, PE<br>M&E Consultants<br><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)<br>Robert T. Rogers III<br>Vice President<br>NBG Constructors, Inc.                                                                                                                                                                                                                                                                                                                                                                               |                      | Sponsors/Contracting Local Organization<br>Adam Wright <i>Adam Wright</i><br>Fort Bend County Drainage District |             |
| SIGNATURE (person authorized to sign)                                                                                                                                                                                                                                                                                                                                                                                                                                                             | DATE                 | SIGNATURE (County Judge)                                                                                        | DATE        |
| <i>R.T. Rogers III</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 2/23/21              | <i>KP George</i><br>County Judge KP George                                                                      | 3-2-2021    |

Modification/Change Order No.1  
Fort Bend County Drainage District  
EWP – Oyster Creek Phase II Channel Bank Stabilization  
Fort Bend County, Texas  
February 12, 2021  
Contract No: 21-020

#### DESCRIPTION OF MODIFICATION/CHANGE ORDER

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

Site 434 shall be modified as shown on the attached drawings. The sheet length (H) shall be increased to 23', the Top Elevation of Site 434 shall be installed at elevation 43.0. This change shall add 6' x 690' = 4140 square foot.

Site 435 shall be modified to exclude sheet pile from the pipeline crossing and installing rock riprap in the same area as shown on the attached drawing. 340 tons of R-300 rock riprap shall be added due to this change. The sheet pile square footage shall be decreased 1380 sq ft on Site 435.

Site 412 shall be modified to increase length by adding wall from subtracted Site 435 wall, that was modified due to the pipeline crossing. The added wall length shall be installed to the same elevations planned, thus adding 1500 sq ft of sheet pile.

Compensation shall be in accordance with the applicable added items below and measurement shall be in accordance with the contract specified methods. Contractor Quality Control shall be accomplished in accordance with Construction Specification 94 for the added work.

#### Changes to the Bid Schedule:

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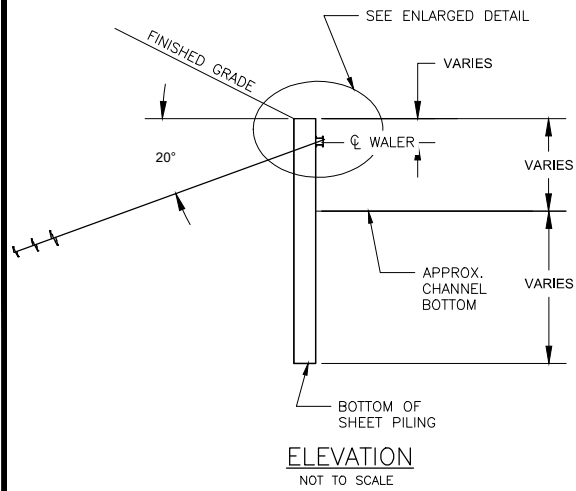
| Item No. | Work or Material                                                                                     | Spec. | Quantity | Units | Unit Price | Amount          |
|----------|------------------------------------------------------------------------------------------------------|-------|----------|-------|------------|-----------------|
| 6        | Steel Sheet Pilings<br>(increase by 4260 SF to 107,054 SF, contract price increase of \$ 149,100.00) | 13    | 107,054  | SF    | \$ 35.00   | \$ 3,746,890.00 |
| 10       | Rock Riprap<br>(increase by 340 tons to 2030 tons, contract price increase of \$23,800.00)           | 61    | 2,030    | Tons  | \$70.00    | \$142,100.00    |
| 24       | Added Site Preparation<br>Site 412                                                                   | 420   | 1        | LS    | \$XXX      | \$12,172.97     |

Contract price increase - \$ 185,072.97

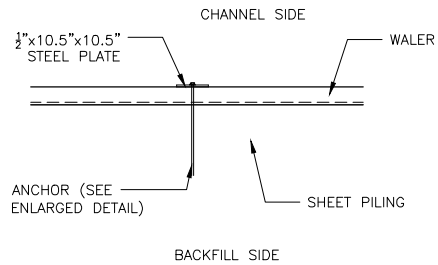
Contract Performance time: - none

#### CONTRACTOR'S STATEMENT OF RELEASE

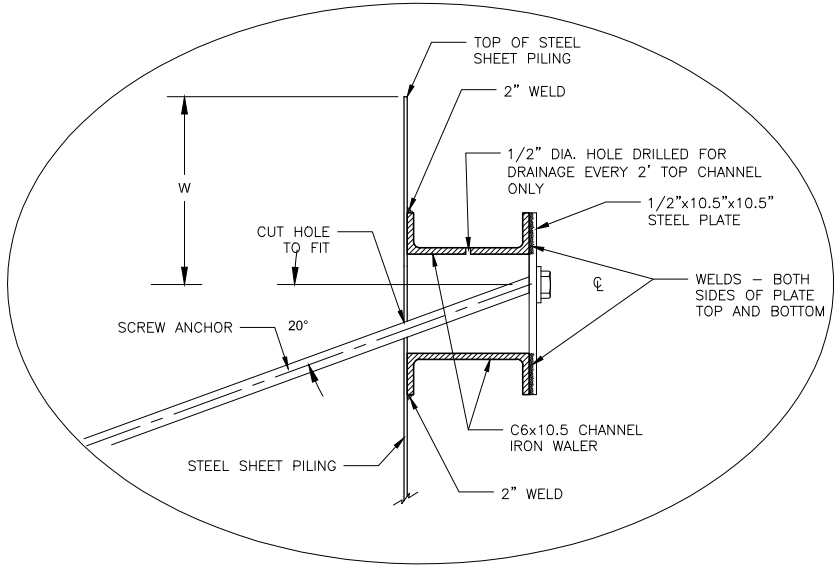
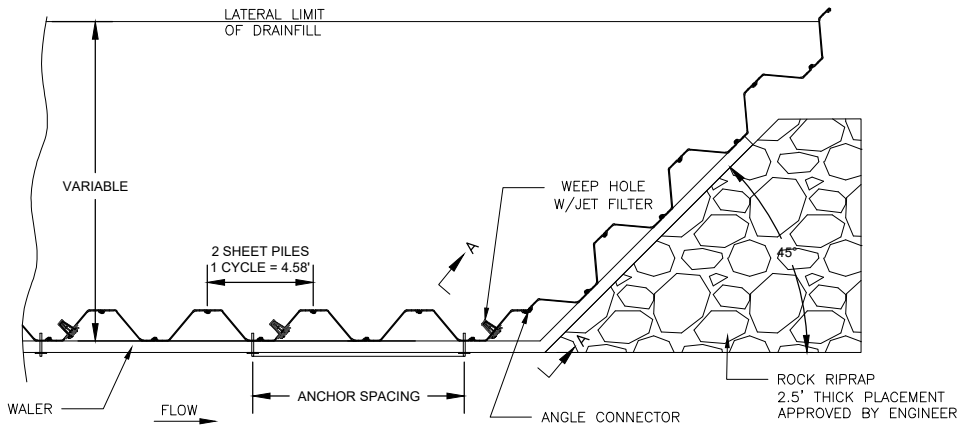
In consideration of the modification agreed to herein as complete equitable adjustment for the Contractors proposal, dated 2-12-2021, the Contractor hereby releases Fort Bend County from any and all liability under this contract for further equitable adjustments attributable to such facts or circumstances concerning the added work for the above added work, including all impacts to the work, overhead and profit.



ANCHOR SHALL BE CHANCE HELICAL SCREW ANCHORS OR AN APPROVED EQUIVALENT AND SPACED AS SPECIFIED IN TABLE BELOW. RESISTANCE TEST SHALL BE PERFORMED AS PER CONSTRUCTION SPECIFICATION 81.



ANCHOR DETAILS  
NOT TO SCALE



NOTE: SHEET PILES SHALL BE MODIFIED BY CUTTING OR DRILLING A HOLE TO ALLOW THE ANCHOR SHAFT SECTION AND WEEP HOLE DRAIN IN ACCORDANCE WITH SHEET PILING MANUFACTURER'S RECOMMENDATIONS.

WHEN SPlicing OF THE WALER IS REQUIRED, IT SHALL BE DONE AT THE STEEL PLATE.

THE WALER AND STEEL SHEET PILING SHALL BE WELDED WHERE THEY COM IN CONTACT. THE MIN. WELD LENGTH SHALL BE 2 INCHES AT BOTH THE TOP AND BOTTOM. THE PLATE SHALL BE WELDED TO THE WALER ON BOTH SIDES AT THE TOP AND BOTTOM.

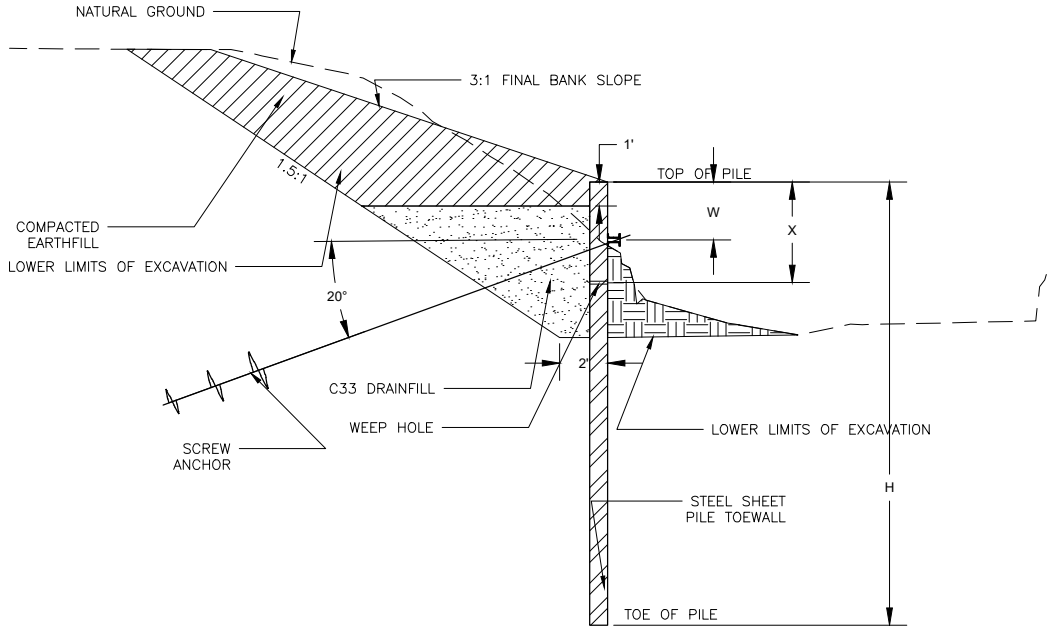
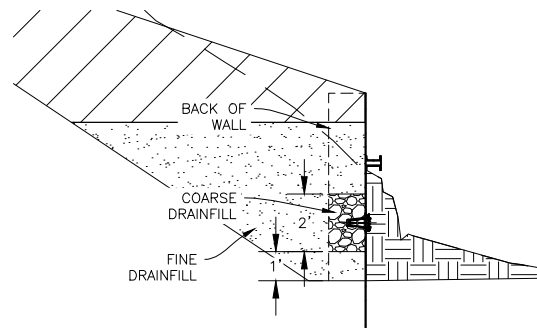
ENLARGED DETAIL  
NOT TO SCALE

THE FINE DRAINFILL SHALL COMPLY WITH THE GRADATION REQUIREMENTS FOR FINE AGGREGATE OF ASTM, C33 - CONCRETE AGGREGATES.

THE COARSE DRAINFILL SHALL COMPLY WITH THE GRADATION REQUIREMENTS FOR COARSE AGGREGATE NO. 89 OF ASTM, C33 - CONCRETE AGGREGATES.

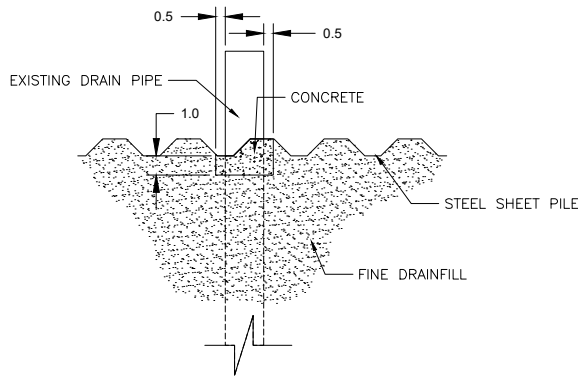
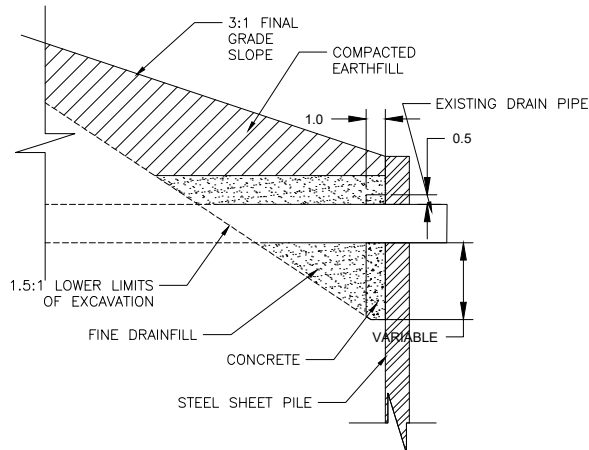
INSTALLATION AND MATERIALS QUALITY SHALL COMPLY WITH THE REQUIREMENTS OF CONSTRUCTION SPECIFICATION 24 AND MATERIALS SPECIFICATION 521.

DRAINFILL GRADATION REQUIREMENTS



THE WEEP HOLES SHALL USE THE JET FILTER DRAIN SYSTEM, MODEL JF4-SS CVLV - 316 STAINLESS STEEL OR OTHER METHOD AS APPROVED BY ENGINEER. THE WEEP HOLES SHALL BE INSTALLED AT THE ELEVATIONS AND INTERVALS AS SHOWN IN THE TABLE BELOW FOR EACH SITE.

SHEET PILE WALL - SECTION DETAIL  
NOT TO SCALE



| SHEET PILE WALL DETAILS |           |                                       |           |                |            |                     |                      |                 |                                        |                                      |                                |                              |                            |                     |                        |                            |                             |                          |                        |
|-------------------------|-----------|---------------------------------------|-----------|----------------|------------|---------------------|----------------------|-----------------|----------------------------------------|--------------------------------------|--------------------------------|------------------------------|----------------------------|---------------------|------------------------|----------------------------|-----------------------------|--------------------------|------------------------|
| SITE NO.                | TOP ELEV. | EL. OF LOWER LIMITS OF EXC. @ CHANNEL | TOE ELEV. | HEIGHT (H), FT | LENGTH, FT | SHEET PILE AREA, SF | WALER, DIST. (W), FT | SHEET PILE SIZE | MOMENT OF INERTIA, IN <sup>4</sup> /FT | SECTION MODULUS, IN <sup>3</sup> /FT | DRAINFILL (FINE+COARSE), CY 2' | CHANCE ANCHOR PRODUCT NO. 1' | REQ'D HELIX & SIZE, IN. 1' | ANCHOR SPACING, FT. | MIN. ANCHOR LENGTH, FT | MIN. ANCHOR TORQUE, FT-LBS | ANCHOR LOAD TEST REQ'D, NO. | WEEP HOLE, DIST. (X), FT | WEEP HOLE, SPACING, FT |
| 412                     | 43.0      | 35.0                                  | 18.0      | 25             | 268        | 6,700               | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 352                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 424                     | 43.0      | 38.0                                  | 26.0      | 17             | 561        | 9,537               | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 406                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 425                     | 43.0      | 38.0                                  | 26.0      | 17             | 507        | 8,619               | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 366                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 426                     | 43.0      | 38.0                                  | 26.0      | 17             | 502        | 8,534               | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 362                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 427                     | 43.0      | 38.0                                  | 26.0      | 17             | 500        | 8,500               | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 361                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 428                     | 43.0      | 38.0                                  | 26.0      | 17             | 640        | 10,880              | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 906                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 429                     | 55.0      | 47.0                                  | 38.0      | 17             | 514        | 8,738               | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 371                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 432                     | 43.0      | 38.0                                  | 26.0      | 17             | 298        | 5,066               | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 211                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 433                     | 50.0      | 42.0                                  | 27.0      | 23             | 354        | 8,142               | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 493                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 434                     | 43.0      | 38.0                                  | 20.0      | 23             | 690        | 15,870              | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 501                            | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |
| 435                     | 43.0      | 38.0                                  | 20.0      | 23             | 716        | 16,468              | 2.0                  | NZ 19           | 255.5                                  | 33.5                                 | 1,095                          | SS 150                       | 10, 12, 14                 | 9'-2"               | 24                     | 3,800                      | ALL                         | TBD                      | 9'-2"                  |

| REVISIONS |          |                                  |
|-----------|----------|----------------------------------|
| DATE      | APPROVED | TITLE                            |
| 2-3-2021  |          | CORRECTED SHEET PILING ELEVATION |
|           |          |                                  |
|           |          |                                  |

9/4/2020

M&E CONSULTANTS  
F-4324

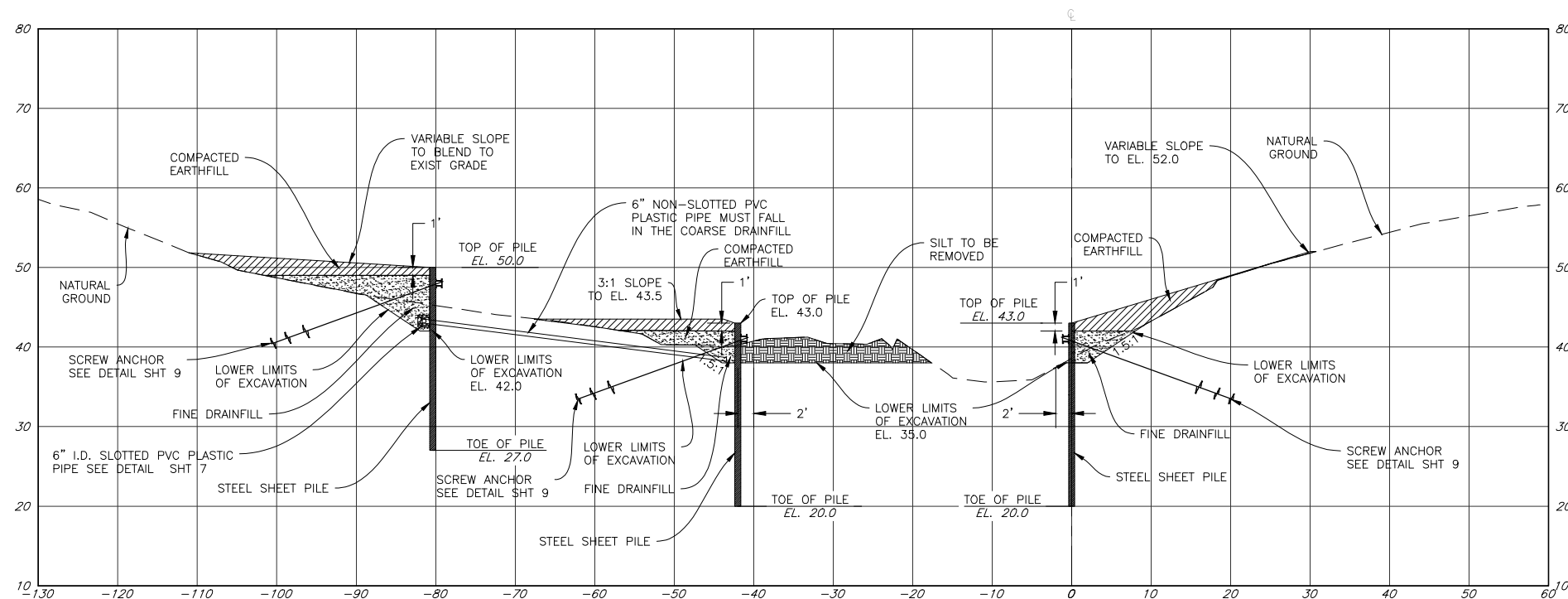
DESIGNED BY: BTB  
DRAWN BY: JPK  
CHECKED BY: TPB  
FILE NAME: OC Phase 2.dwg  
DATE CHECKED: 9/4/2020

SHEET PILE WALL DETAILS  
OYSTER CREEK - BANK STABILIZATION  
FORT BEND DRAINAGE DISTRICT  
IN  
FORT BEND COUNTY, TEXAS

United States  
Department of  
Agriculture

Natural Resources  
Conservation Service

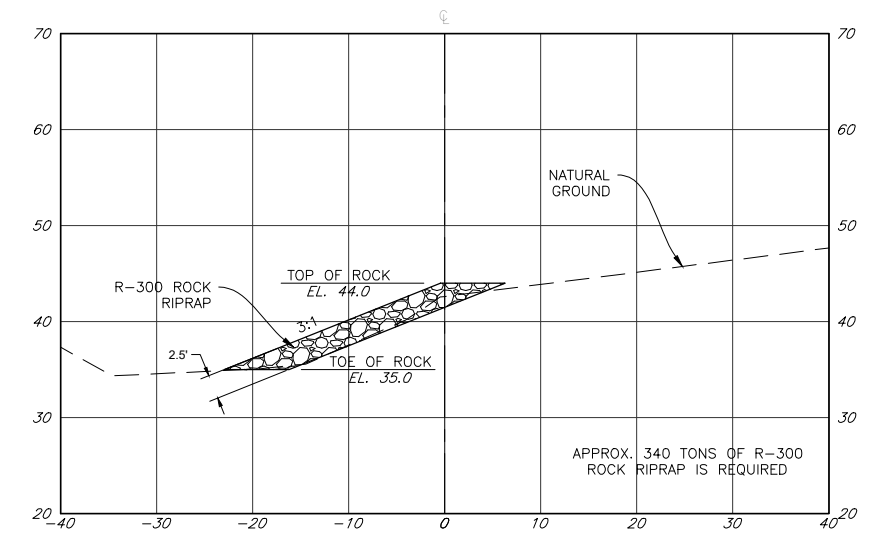
DRAWING NO.  
TX-EN-0791  
SHEET NO.  
9  
OF  
11



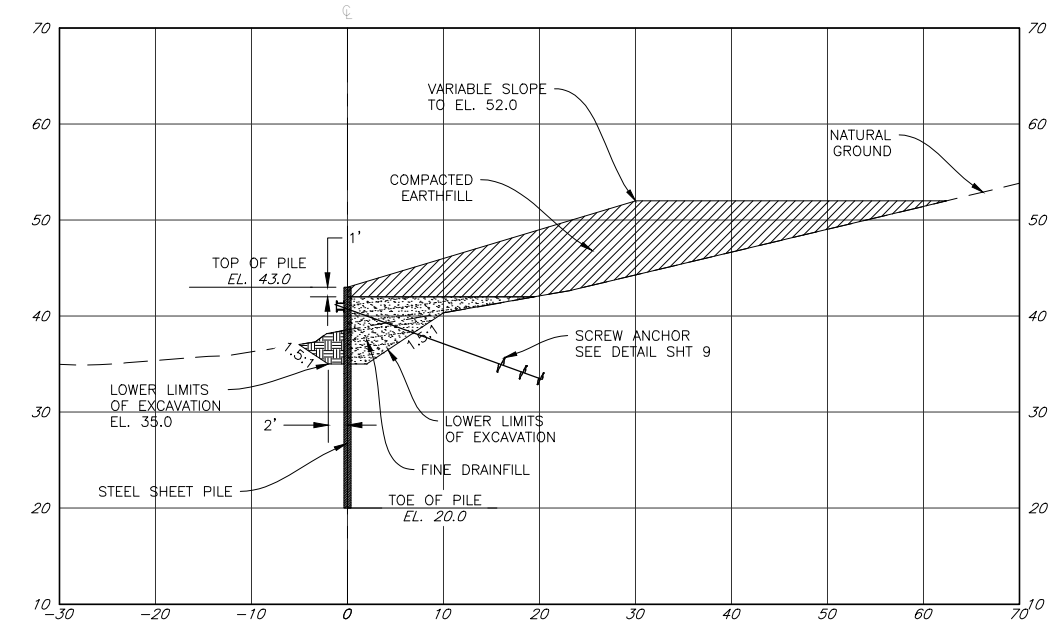
SITE 433-434

STA. 217+40

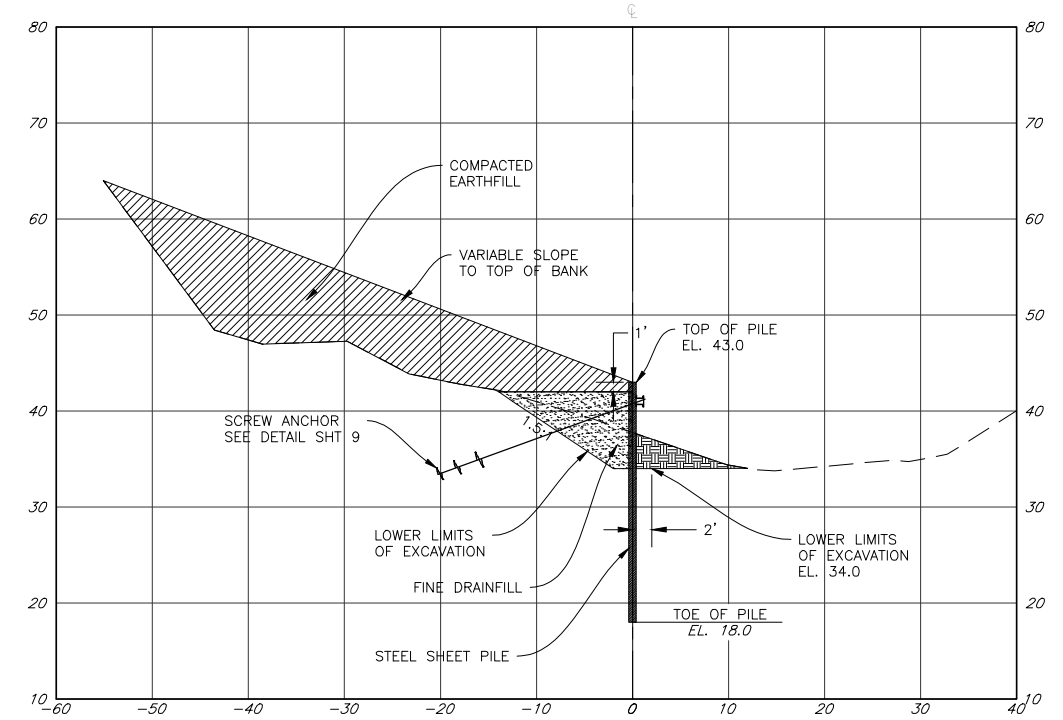
SITE 435



STA. 221+40  
ROCK RIPRAP PLACED ALONG  
GAS PIPELINE EASEMENT



STA. 221+00 SITE 435



STA. 222+80 SITE 412

**LEGEND**

- SHEET PILE
- CL OF WALL
- FINE DRAINFILL
- EXCAVATION
- COMPACTED EARTHFILL

| REVISIONS |          |                                   |
|-----------|----------|-----------------------------------|
| DATE      | APPROVED | TITLE                             |
| 1/25/2021 |          | ADJUSTED PILE EL AND ADDED RIPRAP |
|           |          |                                   |
|           |          |                                   |

9/4/2020

DESIGNED BY: BTS  
DRAWN BY: JPK  
CHECKED BY: TPB  
FILE NAME: OC Phase 2.dwg  
DATE CHECKED: 9/4/2020

M&E CONSULTANTS  
F-4324

SECTIONS - SITES 433, 434, 435 & 412  
OYSTER CREEK - BANK STABILIZATION  
FORT BEND DRAINAGE DISTRICT  
IN  
FORT BEND COUNTY, TEXAS

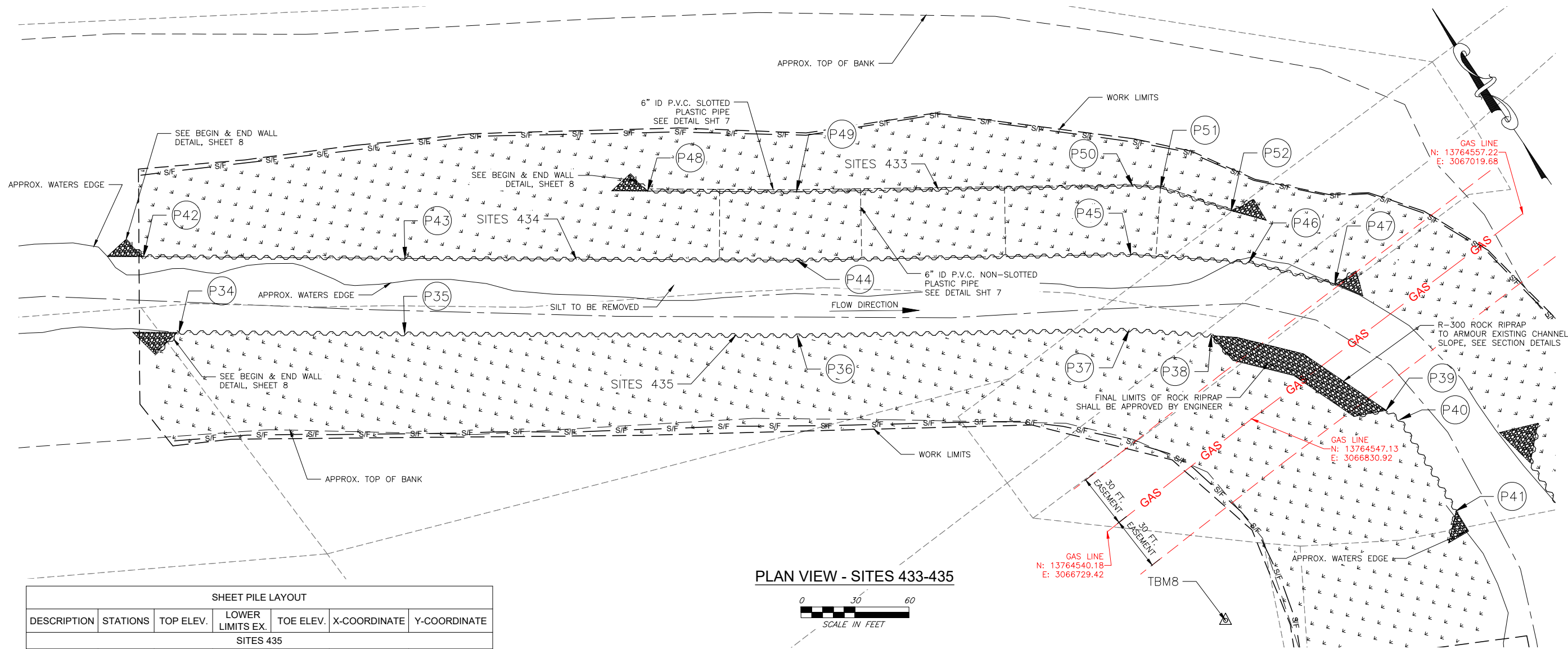
United States  
Department of  
Agriculture  
**USDA**  
Natural Resources  
Conservation Service

DRAWING NO.  
TX-EN-0791

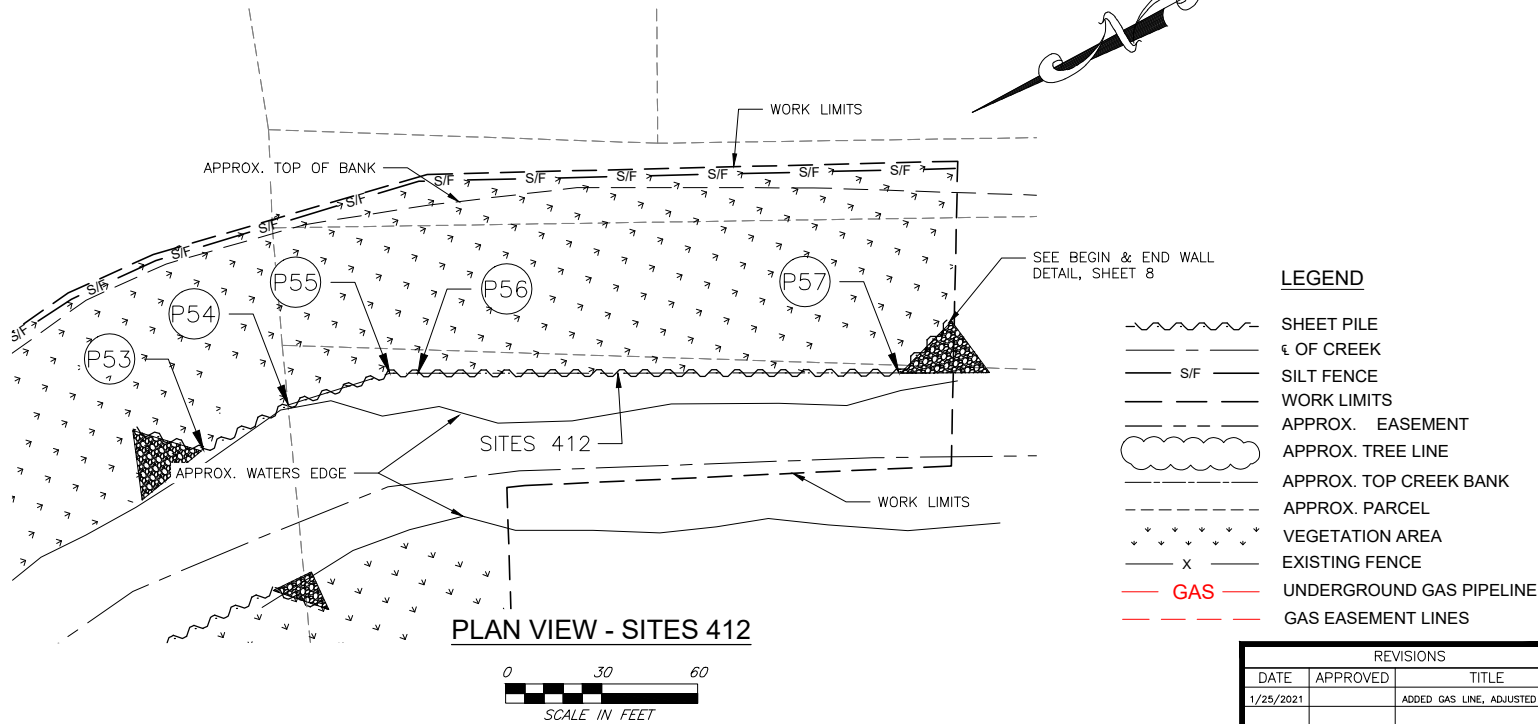
SHEET NO.  
8

OF  
11

Y:\PUBLIC\Projects - Current\Fort Bend Oyster Creek, Phase 1 And II\DWG\OC Phase 2.dwg



| SHEET PILE LAYOUT |           |           |                  |           |              |              |
|-------------------|-----------|-----------|------------------|-----------|--------------|--------------|
| DESCRIPTION       | STATIONS  | TOP ELEV. | LOWER LIMITS EX. | TOE ELEV. | X-COORDINATE | Y-COORDINATE |
| SITES 435         |           |           |                  |           |              |              |
| P34               | 214+40.62 | 43.00     | 38.00            | 20.00     | 3066364.26   | 13764920.79  |
| P35               | 215+65.67 | 43.00     | 38.00            | 20.00     | 3066467.59   | 13764849.89  |
| P36               | 217+83.57 | 43.00     | 38.00            | 20.00     | 3066647.71   | 13764726.79  |
| P37               | 219+67.83 | 43.00     | 38.00            | 20.00     | 3066802.17   | 13764626.16  |
| P38               | 220+20.14 | 43.00     | 38.00            | 20.00     | 3066838.32   | 13764598.04  |
| P39               | 221+21.67 | 43.00     | 38.00            | 20.00     | 3066895.56   | 13764509.19  |
| P40               | 221+30.83 | 43.00     | 38.00            | 20.00     | 3066898.94   | 13764500.67  |
| P41               | 221+90.38 | 43.00     | 38.00            | 20.00     | 3066896.46   | 13764441.18  |
| SITES 434         |           |           |                  |           |              |              |
| P42               | 214+19.17 | 43.00     | 38.00            | 26.00     | 3066371.52   | 13764966.73  |
| P43               | 215+64.77 | 43.00     | 38.00            | 26.00     | 3066491.32   | 13764884.55  |
| P44               | 217+83.12 | 43.00     | 38.00            | 26.00     | 3066671.02   | 13764761.73  |
| P45               | 219+70.17 | 43.00     | 38.00            | 26.00     | 3066826.57   | 13764660.40  |
| P46               | 220+32.82 | 43.00     | 38.00            | 26.00     | 3066878.39   | 13764620.08  |
| P47               | 220+77.53 | 43.00     | 38.00            | 26.00     | 3066911.26   | 13764583.53  |
| SITES 433         |           |           |                  |           |              |              |
| P48               | 217+00.00 | 50.00     | 42.00            | 27.00     | 3066623.93   | 13764839.94  |
| P49               | 217+82.72 | 50.00     | 42.00            | 27.00     | 3066692.12   | 13764793.34  |
| P50               | 219+72.56 | 50.00     | 42.00            | 27.00     | 3066848.65   | 13764691.36  |
| P51               | 219+88.00 | 50.00     | 42.00            | 27.00     | 3066860.90   | 13764681.83  |
| P52               | 220+26.70 | 50.00     | 42.00            | 27.00     | 3066886.32   | 13764649.36  |
| SITES 412         |           |           |                  |           |              |              |
| P53               | 221+68.00 | 43.00     | 35.00            | 18.00     | 3066945.38   | 13764439.50  |
| P54               | 221+98.00 | 43.00     | 35.00            | 18.00     | 3066945.19   | 13764409.50  |
| P55               | 222+31.27 | 43.00     | 35.00            | 18.00     | 3066938.76   | 13764376.85  |
| P56               | 222+40.00 | 43.00     | 35.00            | 18.00     | 3066934.62   | 13764369.18  |
| P57               | 223+90.27 | 43.00     | 35.00            | 18.00     | 3066863.28   | 13764236.92  |



9/4/2020

M&E CONSULTANTS F-4324

DESIGNED BY: BTS  
DRAWN BY: JPK  
CHECKED BY: BTS  
FILE NAME: OC Phase 2.dwg  
DATE CHECKED: 9/4/2020

SITE PLANS - 433, 434, 435 & 412  
OYSTER CREEK - BANK STABILIZATION  
FORT BEND DRAINAGE DISTRICT  
IN  
FORT BEND COUNTY, TEXAS

United States  
Department of  
Agriculture

Natural Resources  
Conservation Service

DRAWING NO.  
TX-EN-0791

SHEET NO.  
5

OF  
11

| REVISIONS |          |                                |
|-----------|----------|--------------------------------|
| DATE      | APPROVED | TITLE                          |
| 1/25/2021 |          | ADDED GAS LINE, ADJUSTED PLUNG |
|           |          |                                |

# 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.**

NBG Constructors, Inc.  
Houston, TX United States

**Certificate Number:**  
2021-720210

**Date Filed:**  
02/24/2021

**Date Acknowledged:**  
03/02/2021

**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.**

21-020  
Oyster Creek Phase II Channel Bank Stabilization Change Order No. 1

| 4 | Name of Interested Party | City, State, Country (place of business) | Nature of interest<br>(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)