

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**AMENDMENT TO AGREEMENT FOR
 PROFESSIONAL ENVIRONMENTAL 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 Berg-Oliver Associates, Inc. (hereinafter "Consultant"), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Agreement for Professional Environmental Services on January 7, 2020 pursuant to SOQ 14-025, (hereinafter "Agreement"); and

WHEREAS, the parties desire to amend the Agreement to allow Consultant to provide additional Services and extend the Time of Performance under the Agreement.

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

1. County shall pay Consultant an additional amount not to exceed eighty-five thousand one hundred twenty-one dollars and 20/100 (\$85,121.20) to perform the additional Services, as described in Consultant's proposal dated February 28, 2022 attached hereto as Exhibit "A" and incorporated herein for all purposes.
2. The Maximum Compensation payable to Consultant for all Services rendered is hereby increased to an amount not to exceed two hundred seventy-three thousand forty-eight dollars and 90/100 (\$273,048.90), authorized as follows:
 \$187,927.70 under the Agreement; and
 \$85,121.20 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 an agreement executed by the parties.
4. The Time of Performance under the Agreement is hereby extended to end no later than December 31, 2026.
5. BY ACCEPTANCE OF AGREEMENT, CONSULTANT ACKNOWLEDGES THAT THE COUNTY IS OPPOSED TO HUMAN TRAFFICKING AND THAT NO COUNTY FUNDS WILL BE USED IN SUPPORT OF SERVICES OR ACTIVITIES THAT VIOLATE HUMAN TRAFFICKING LAWS.

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

IN WITNESS WHEREOF, the parties hereto have signed or have caused their respective names to be signed to multiple counterparts to be effective on the date signed by the final party.

FORT BEND COUNTY

KP George
County Judge KP George
KP George, County Judge

May 10, 2022

Date

ATTEST:



Laura Richard
Laura Richard, County Clerk

BERG-OLIVER, INC

Amy M. Brook
Authorized Agent – Signature

Amy M. Brook
Authorized Agent – Printed Name

Vice President
Title

4/22/22
Date

APPROVED:

Digitally signed by J Stacy Slawinski
Date: 2022.05.02 06:32:00 -05'00'

J. Stacy Slawinski, P.E., County Engineer

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 273,048.90 to accomplish and pay the obligation of Fort Bend County under this contract.

Robert Ed Sturdivant
Robert Ed Sturdivant, County Auditor

EXHIBIT A



BERG ♦ OLIVER ASSOCIATES, INC.

Environmental Science & Land Use Consultants

14701 St. Mary's Lane, Suite 400, Houston, Texas 77079

(281) 589-0898 fax: (281) 589-0007

Houston ♦ Dallas/Fort Worth ♦ www.bergoliver.com

February 28, 2022

Kevin A. Mineo, MBA, PE
Sr. Project Manager
Binkley & Barfield, Inc.
1710 Seamist Drive
Houston, Texas 77008

via email: kmineo@binkleybarfield.com

RE: Supplemental Budget Request
Widening and Reconstruction of FM 521 (from SH 6 to CR 56)
TxDOT CSJ: 0111-03-064
BOA Proposal No. BOA042-11479T

Dear Mr. Mineo:

Thank you for allowing Berg ♦ Oliver Associates, Inc. (Berg ♦ Oliver) to assist you with your needed environmental services. Our firm looks forward to continuing to provide environmental services to Binkley & Barfield, Inc. on behalf of the Fort Bend County Engineering Department for the widening and reconstruction of FM 521 between SH 6 and CR 56 in Fort Bend County, Texas.

For various reasons specified in the attached contract Addendum (e.g., more ROW than originally scoped, and additional public involvement being required by TxDOT), we are respectfully requesting supplemental budget. In summary:

Originally Contracted Environmental Services	\$187,927.70
Proposed Supplemental Budget (max)	\$85,121.20
Potential Grand Total	\$273,048.90

In the meantime, we will continue to prepare the environmental documentation as contracted. Please contact me if you have any questions. I can most easily be reached on my cell phone at 817-719-7468.

Sincerely,

Amy M. Brook
Senior Associate
Transportation & Public Works

PROJECT NO: 11479
PROJECT TYPE: TxDOT CE - FM 521
widening project

PROJECT
LOCATON: Fort Bend County
CLIENT: BBI – obo Fort Bend County
Engineering Dept. (FBCED)

ADDENDUM TO CONTRACT

The following is an addendum to an original agreement made between the following parties:

Fort Bend County Engineering Department

and

Berg ♦ Oliver Associates, Inc.

This addendum requests supplemental budget generally for the following: additional Project Management/Right-of-Entry (ROE), Environmental Setting & Evaluation, and the Public Meeting (held virtually in June 2021). In addition, a new 2nd public involvement event appears to be required by TxDOT.

Berg ♦ Oliver requests additional budget to continue with environmental project services and proposes a new **additional** service to FBCED on an hourly basis, not to exceed the totals in the table below.

Summary – Originally Contracted Project Services	Additional Cost
Project Management & ROE - Task 1	\$8,250.00
Env'l Setting & Evaluation - Task 2	\$9,535.00
USACE Verification & Section 404 Clean Water Act NWP - Task 3	\$0.00
Notice and Opportunity to Comment (NOC) - Task 4	\$0.00
Public Meeting - Task 11	\$6,645.00
Required Tasks Grand Total (max.)	\$24,430.00

Summary – Proposed Additional Service	Additional Cost
(new) Public Hearing (Virtual with In-Person Option) - Task 12	\$60,691.20
Potential Additional Tasks Grand Total	\$60,691.20

Potential Grand Total (max.)	\$85,121.20
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** Please note that if the ICI Analysis (Task 7) is NOT required, then the \$17,072.80 proposed for that task could partially cover this supplemental budget request and reduce the request to \$68,048.40. ICI analysis is currently not required by TxDOT for CE projects; however, since TxDOT policies change periodically, it is assumed that Task 7 could be needed before this project is approved.*

These requests are explained below:

- **Task 1 — PM/ROE** — Initially the project included very little additional ROW along the roadway (i.e., only at a few intersections where turning lanes would be needed). The amount of road ROW increased significantly, which led to a more involved, longer ROE process and more project management. Also, the project's addition of railroad bridge alternatives led to additional project management and schematic discussion/review.

- **Task 2 — Environmental Setting & Evaluation** — The additional ROW required additional field work, mapping and report preparation for the Wetland Delineation and Biological Studies.
- **Task 11 — Public Meeting** — The initial scope included one ‘normal’ (in-person) public meeting. However, due to the pandemic, TxDOT required a Virtual Public Meeting instead. This was a new process that required substantial coordination and preparation of a presentation (typically only prepared for public hearings), including Spanish translation and narration/video production. In addition, the railroad bridge alternatives added some additional efforts. This task exceeded the contracted budget. *Please note that BOA was able to utilize the unused budget from Task 4 (NOC) to cover some of that expense; NOC is not needed when you conduct a public meeting.*
- **Task 12 (NEW) — Virtual Public Hearing w/ In-Person Option** — The initial scope included one public meeting. With the project including bridge alternatives at the railroad, TxDOT is requesting a second public involvement event to present the selected alternative. At this time, it has not been decided if that would be a Virtual Public Meeting or Hearing; either would likely have an In-Person Option.

The total of the charges for the additional work will not exceed the following total without written approval from the client:

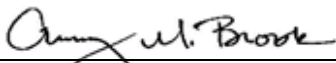
Eighty-Five Thousand, One Hundred Twenty-One and Twenty Hundredths Dollars (\$85,121.20)

Berg ♦ Oliver and Horizon will begin the work described herein upon the execution of this addendum by the client. Invoices for all hourly work will be submitted monthly and will be based upon the attached Rate Schedule. Payment of all invoices is expected within thirty (30) days of the client’s receipt of the invoice submitted by Berg ♦ Oliver Associates, Inc.

Upon execution of this addendum by the client below, Berg ♦ Oliver is authorized to proceed with the services described in this addendum to the original contract.

SUBMITTED BY:

ACCEPTED BY:



Amy M. Brook
Vice President
Berg ♦ Oliver Associates, Inc.

for Client

Date: February 28, 2022

Date: _____

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.**

BERG-OLIVER ASSOCIATES, INC.
Houston, TX United States

Certificate Number:
2022-878695

Date Filed:
04/26/2022

Date Acknowledged:
05/10/2022

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.

BOA011-11479T
Environmental Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Sherril, David	Houston, TX United States	X	
	Ross, James D.	Houston, TX United States	X	
	Morgan, Keith	Houston, TX United States	X	
	McKee, Alan B.	Houston, TX United States	X	
	Alford, Susan D.	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)