

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**SECOND AMENDMENT TO AGREEMENT FOR
 PROFESSIONAL ENVIRONMENTAL SERVICES**

THIS SECOND 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”), as amended by document executed on May 10, 2022, (hereinafter “Amendment”); and

WHEREAS, the parties desire to further amend the Agreement to allow Consultant to provide additional Services under the Agreement.

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

1. County shall pay Consultant an additional amount not to exceed forty-one thousand nine hundred ten dollars and 20/100 (\$41,910.00) to perform the additional Services, as described in Consultant’s proposal dated November 18, 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 three hundred fourteen thousand nine hundred fifty-eight dollars and 90/100 (\$314,958.90), authorized as follows:
 - \$187,927.70 under the Agreement;
 - \$85,121.20 under the Amendment; and
 - \$41,910.00 under this Second Amendment.
3. In no case shall the amount paid by County for all Services under the Agreement and any subsequently executed amendment exceed the Maximum Compensation without an agreement executed by the parties.
4. 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 and the Amendment 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

BERG-OLIVER, INC


County Judge KP George

KP George, County Judge



Authorized Agent – Signature

January 3, 2023
Date

Amy M. Brook

Authorized Agent – Printed Name

ATTEST:



Vice President


Title



Laura Richard, County Clerk

12/12/2022

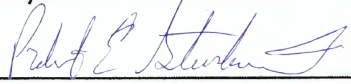
Date

APPROVED: 

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

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 314,958.90 to accomplish and pay the obligation of Fort Bend County under this contract.



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

November 18, 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 #2**
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., design changes, inordinate amount of PM and public meeting time), we are respectfully requesting final supplemental budget. In summary:

Originally Contracted Environmental Services	\$187,927.70
Proposed Supplemental Budget #1	\$85,121.20
Proposed Supplemental Budget (max) #2	\$41,910.00
Grand Total	\$314,958.90

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
Vice President
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 for the following tasks: Project Management, Environmental Setting & Evaluation, Community Impacts Assessment, Intensive Archeological Survey, Historic Resources Research Design & Reconnaissance Survey, and Public Meeting #2 (held in-person and virtually in September 2022; called out as Public Hearing in Supplemental #1).

Berg ♦ Oliver requests additional budget to finish environmental project services 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	\$5,400.00
Env'l Setting & Evaluation - Task 2	\$8,510.00
Community Impacts Assessment - Task 5	\$2,290.00
Intensive Archeological Survey - Task 8	\$800.00
Historic Resources Research Design & Reconnaissance Survey - Task 9	\$1,500.00
Public Hearing (aka Public Meeting #2) - Task 12	\$23,410.00
Required Tasks Grand Total (max.)	\$41,910.00

These requests are explained below:

- **Task 1 — PM** — Continual project management regarding design changes (e.g., ponds) and biweekly meetings (through September).
- **Task 2 — Environmental Setting & Evaluation** — Several detention pond design changes (including Ponds 1b and 2) and ROW takings occurred in 2022, leading to additional coordination (internal, with BBI, and with TxDOT-HOU) and additional mapping and/or technical report (TRs) editing for the *Biological Studies*, *Hazardous Material ISA*, *Wetland Delineation*, and *Historic Resources PCR*. To address the revised Pond 1b design in the first two listed TRs, BOA drafted and submitted to TxDOT-HOU a design change memo addressing the more recent Pond 1b change. TxDOT is reviewing this and will let us know if additional edits/revisions are necessary. The other, earlier pond design and ROW changes have already been addressed. For the *Biological Studies*, a new, updated Species Analysis Spreadsheet will also need to be prepared.

Traffic Noise - Between June and early September, TxDOT sent in small sets of comments on two to three separate submittals with long stretches in between. A new analysis of validation models under a more detailed process than had been asked for in prior submittals was requested, including a new review of the traffic videos recorded during the initial analysis. In addition, TxDOT’s TPP traffic numbers used in this noise analysis were later found to be in error, and the TNM models had to be redone with new numbers, and the report updated with new results.

- **Task 5 — Community Impacts Assessment (CIA)** — Several detention pond design changes (including Pond 2) occurred in early 2022 (while the CIA was being drafted), requiring mapping changes to the TR. Substantial coordination (internal, with BBI and with TxDOT-HOU) was required to address the design at Arcola Feed and the Bly residence, because these properties would not be provided turnaround locations for large trailers (*this continues to be a point of discussion (see Task 12 - Public Hearing)*).
- **Task 8 — Intensive Archeological Survey** — Pond 1b design changes in 2022 leading to additional coordination and additional mapping in the Research Design and Historic Resources Reconnaissance Survey (HRRS) Report. Only additional hours for the subconsultant are included.
- **Task 9 — Historic Resources Research Design & Reconnaissance Survey** — Pond 1b design changes in 2022 leading to additional coordination and additional mapping in the Research Design and Historic Resources Reconnaissance Survey (HRRS) Report. Only additional hours for the subconsultant are included.
- **Task 12 — Public Hearing (PM #2)** — An inordinate amount of time was spent in handling design changes, issues with traffic counts, and in particular coordinating drafts and revisions to the various public meeting materials (e.g., the public notice, Powerpoint presentation, postcard, fact sheet (handout), location maps, FAQs, typical sections, etc.). Initially, we were not to use TxDOT public meeting templates for materials, because this was not for a TxDOT public meeting (it was a County meeting). However, eventually, we were instructed to recreate and match slides and other materials to TxDOT's current templates/versions. Comments from the District came in piece-meal, with the Supervisor's comments not coming in until the end, resulting in additional last-minute revisions. Additional coordination will be needed to address public comments regarding the lack of large trailer turnaround in the proposed design.

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

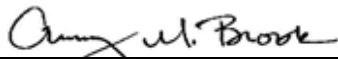
Forty-One Thousand, Nine Hundred Ten Dollars (\$41,910.00)

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: November 18, 2022

Date: _____

**Attachment B
Supplemental Fee Schedule
FM 521**

For: **Binkley & Barfield, Inc. (obo Brazoria County)**

By: **Berg+Oliver Associates, Inc.**

Project: **FM 521 (Supplemental #2)**

TASK DESCRIPTION	OFFICER/ PRINCIPAL/ SR PROJ DIR	SR ASSOCIATE	PROJECT COORDINATOR #	NOISE & AIR SPECIALIST	HEALTH SAFETY OFFICER/ CHEMIST	WETLANDS BIOLOGIST / ECOLOGIST	SOIL SCIENTIST	SR GIS / CADD ANALYST	FIELD TECHNICIAN	ADMIN WORD PROCESSOR	SUB- CONSULTANTS	DIRECT EXPENSES	COST PER TASK
TASK 1 - PROJECT MANAGEMENT													
Project Management, Scoping & ROE		12	14					8				\$0.00	\$5,400.00
TASK 2 - ENVIRONMENTAL SETTING & EVALUATION													
Biological and Natural Resource Impact Assessment		2	6			2		2					\$1,810.00
Surface Waters Study													\$0.00
Waters of the U.S. Impact Assessment		2	8			2		4					\$2,380.00
Hazardous Materials Initial Site Assessment		2	1										\$520.00
Traffic Noise Analysis		2		8				4					\$2,140.00
Air Quality Analysis		1	1	2									\$660.00
Archeological Background Study													\$0.00
Historic Resources PCR											\$1,000.00		\$1,000.00
												\$0.00	\$8,510.00
TASK 5 - COMMUNITY IMPACTS ASSESSMENT		8							10			\$0.00	\$2,290.00
TASK 8 - INTENSIVE ARCHEOLOGICAL SURVEY											\$800.00	\$0.00	\$800.00
TASK 9 - HISTORIC RESOURCES RESEARCH DESIGN & RECONNAISSANCE SURVEY											\$1,500.00	\$0.00	\$1,500.00
TASK 12 - VIRTUAL PUBLIC HEARING [MEETING #2] WITH IN-PERSON OPTION		20	116					10				\$0.00	\$23,410.00
SUB-TOTAL:													\$41,910.00
Additional Funds for Required* Tasks													
HOURS SUB-TOTALS	0	49	146	10	0	4	0	28	10	0			
LABOR RATE PER HOUR	\$190.00	\$160.00	\$160.00	\$160.00	\$160.00	\$120.00	\$120.00	\$125.00	\$85.00	\$65.00			
SUBTOTAL	\$0.00	\$8,820.00	\$23,360.00	\$1,600.00	\$0.00	\$480.00	\$0.00	\$3,500.00	\$850.00	\$0.00			

DIRECT EXPENSES	AERIAL PHOTOGRAPHY	8.5 X 11 BW COPIES	8.5 X 11 COLOR COPIES	11 X 17 COLOR COPIES	TECHNICAL REPORT COPIES	HAZ MAT DATA BASE RESEARCH	CITY DIRECTORIES	MILEAGE	TPWD TMSD SEARCH	PUBLIC NOTICE ADVERTISEMENT REGIONAL	PUBLIC NOTICE ADVERTISEMENT LOCAL	"DIRECT MAIL" POSTCARDS	POSTAGE	2 X 8 CONSTRAINTS MAP	EXHIBIT BOARDS	SECURITY	FACILITY RENTAL	EQUIPMENT RENTALS	DIRECT EXPENSES
<i>none needed</i>																			\$0.00
																			\$0.00
																			\$0.00
																			\$0.00
QUANTITY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
RATE	\$60.00	\$0.25	\$1.00	\$1.50	\$20.00	\$500.00	\$500.00	\$0.58	\$50.00	\$4,000.00	\$600.00	\$2,000.00	\$0.55	\$200.00	\$25.00	\$180.00	\$500.00	\$200.00	
DIRECT EXPENSE COST	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Potential Total																			

Summary - Project Supplemental Budget	Cost
Project Management - Task 1	\$5,400.00
Env/1 Setting & Evaluation - Task 2	\$8,510.00
Community Impacts Assessment - Task 5	\$2,290.00
Intensive Archeological Survey - Task 8	\$800.00
Historic Resources Research Design & Reconnaissance Survey - Task 9	\$1,500.00
Public Hearing (aka. Public Meeting #2) - Task 12	\$23,410.00
Grand Total	\$41,910.00

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

Certificate Number:
2022-963489

Date Filed:
12/12/2022

Date Acknowledged:
01/03/2023

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Berg Oliver Associates
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.

BOA011-11479T
Environmental Services

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