

**SUPPLEMENTAL AGREEMENT NO. 2
TO
ENGINEERING SERVICES AGREEMENT OF
OCTOBER 26, 2021
FOR
FORT BEND COUNTY TOLL ROAD AUTHORITY**

This Supplemental Agreement is signed in multiple counterparts to be effective on the date approved by the Fort Bend County Commissioners Court, and modifies the ENGINEERING SERVICES AGREEMENT dated October 26, 2021 (the “Agreement”) between the Fort Bend County Toll Road Authority (FBCTRA), a Texas Local Government Corporation (the “Authority”), and DE Corp., (the “Engineer”).

The Agreement is hereby modified as follows:

1. The first sentence in Section 1 is replaced with the following sentence:

“The Engineer shall render professional services to FBCTRA related to the Project as defined in the Scope of Services in Attachment A and Attachment A-2.

2. Section 2.a is replaced with the following paragraphs:

“The Maximum Compensation under this Agreement is \$3,499,080.00. The amount paid under this Agreement may not exceed the Maximum Compensation without an approved supplemental agreement.

Compensation for the performance of services within the Scope of Services described in Attachment A will be paid as a lump sum amount not to exceed \$3,302,351.00, as shown in Attachment B.

Compensation for the performance of services within the Scope of Services described in Attachment A-2 will be paid as a lump sum amount not to exceed \$15,949.00, as shown in Attachment B-2.

The Engineer shall furnish satisfactory documentation of such work (e.g. timesheets, billing rates, classifications, invoices, etc.) as may be required by FBCTRA.”

This Supplemental Agreement does not alter, modify, or otherwise change any part of the Agreement, except as specifically stated in this Supplemental Agreement.

IN WITNESS WHEREOF, this Supplemental Agreement is hereby executed as of February 20, 2023.

FORT BEND COUNTY TOLL ROAD AUTHORITY,
a Texas local government corporation

By: 

Name: Swapan Dhairyawan

Title: Secretary

DE Corp
ENGINEER

By: 

Name: Nick Bokaie

Title: Chief Operating Officer

EFFECTIVE DATE

THIS AGREEMENT IS EFFECTIVE ON THE DATE IT IS APPROVED BY THE FORT BEND COUNTY COMMISSIONERS COURT, AND IF NOT SO APPROVED SHALL BE NULL AND VOID.

DATE OF COMMISSIONERS COURT APPROVAL: _____

AGENDA ITEM NO.: _____

ATTACHMENT A-2

SERVICES TO BE PROVIDED BY THE ENGINEER

The Engineer shall provide engineering services required for the preparation of plans, specifications, and estimates (PS&E) and related documents, for the Fort Bend County Toll Road Authority (FBCTRA) Phase 3 Westpark Tollway Extension from west of Texas Heritage Parkway to west of Spring Green / FM 723 (Sta 183+00 to Sta 382+00) in Fort Bend County.

The services in Supplemental No. 2 include the following:

- Eliminating the new proposed Prefab Pedestrian Bridge over Flewellen Creek that was previously added in Supplemental No. 2.
- Eastbound Main Lane Bridge at Flewellen Creek designed for Light Rail loading.
- Large Overhead signs designed with concrete columns instead of steel poles.
- Update Schematic to show TxDOT and FBCTRA ROW (former RR ROW).

FUNCTION CODE 102(110) – FEASIBILITY STUDIES

The Engineer shall prepare a separate schematic that highlights TxDOT Right of Way and the elements within TxDOT Right of Way. Update Schematic to show TxDOT and FBCTRA ROW (former RR ROW).

FUNCTION CODE 145(145, 164) – MANAGING CONTRACTED/DONATED PE

PROJECT MANAGEMENT AND ADMINISTRATION

The Engineer shall be responsible for directing and coordinating all activities associated with services in Supplemental No. 2 to comply with policies and procedures, and to deliver the work on time.

Project Management and Coordination. The Engineer shall coordinate all subconsultant activity associate with services in Supplemental No. 1 to include quality of and consistency of plans and administration of the invoices and monthly progress reports.

FUNCTION CODE 160(162) - ROADWAY DESIGN

SIGNING, PAVEMENT MARKINGS AND SIGNALIZATION (PERMANENT)

162.1. Signing. Large Overhead Sign Structures shall be designed in conformance with FBCTRA aesthetic details.

FUNCTION CODE 160(170) – ROADWAY DESIGN

BRIDGE DESIGN

The proposed Prefab Pedestrian Bridge at Flewellen Creek is eliminated from the project.

The proposed Main Lane Bridge at Flewellen Creek will be revised to be designed for light rail loading on the eastbound portion of the bridge, per AASHTO guidelines consisting of LRT-16 loading. Additional services include analysis of LRT-16 loading; revisions to Bridge Layout, detailing, and plans; and additional notes on the plans.

No change to the type or number of PS&E deliverables from the original contract for the Main Lane Bridge at Flewellen Creek are required.

REVISED SCHEDULE OF MILESTONE SUBMITTALS

90% design Submittal:	03/27/2023
100% Final Submittal:	05/17/2023

ATTACHMENT B-2
SUPPLEMENTAL NO. 2 - FEE PROPOSAL SUMMARY
Westpark Tollway Extension Phase 3
Texas Heritage Parkway to FM 723/Spring Green (3.77 Miles)

Description of Work Task	Consultant	Proposal
<i>Final PS&E Engineering and Management</i>		
Schematic Update	DEC	\$3,840.00
Segment 1 Schematic Update and PS&E Design	DEC	\$10,720.00
Segment 2 PS&E Design	CobbFendley	\$1,389.00
Total Management & Engineering Fees		\$15,949.00