

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**FIRST AMENDMENT TO ADDENDUM
 TO FUEL CONTROL SOLUTIONS' AGREEMENT**

THIS FIRST AMENDMENT ("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 **FUEL CONTROL SOLUTIONS**, (hereinafter "FCS"), a company authorized to conduct business in the State of Texas. County and FCS are hereinafter collectively referred to as the "Parties" and each individually a "Party."

WHEREAS, on or about April 23, 2024, the Parties executed and accepted that certain Addendum to Fuel Control Solutions' Agreement (hereinafter "Agreement"), which is incorporated by reference as if set forth herein verbatim; and

WHEREAS, by execution of this Amendment, the Parties desire to amend the Agreement to provide additional services by FCS, to increase the Total Maximum Compensation for completion of such services, and to otherwise ratify and confirm all the terms and conditions as set forth herein.

NOW THEREFORE, in consideration of the foregoing, the Parties do mutually agree that the Agreement between the Parties is hereby amended as follows:

1. **Scope of Services.** County shall pay FCS an additional Four Thousand Three Hundred Fifty-Four and 11/100 dollars (\$4,354.11) for additional services as described in FCS's Estimate # 2052 dated August 6, 2024 (the "Services"), attached hereto as Exhibit "A-1" and incorporated by reference for all intents and purposes.
2. **Limit of Appropriation.** FCS understands and agrees that the Maximum Compensation payable to FCS for Services rendered under this Agreement is hereby increased to an amount not to exceed One Hundred Sixty-Eight Thousand Two Hundred Eighty-Six and 64/100 dollars (\$168,286.64), authorized as follows:

	\$ 163,932.53	under the Agreement
	\$ 4,354.11	under this First Amendment
TOTAL	\$ 168,286.64	

In no event shall the amount paid by County under this Agreement exceed the Maximum Compensation without a County approved change order. FCS clearly understands and agrees, such understanding and agreement being the absolute essence of this Agreement, that County shall have available the total maximum sum of Thirty-two Thousand One Hundred Three and 00/100 dollars (\$32,103.00), specifically allocated to fully discharge any and all liabilities County may incur under the Agreement.

FCS does further understand and agree, said understanding and agreement also being of the absolute essence of the Agreement, that the total Maximum Compensation that FCS may become entitled to and the total maximum sum that County may become liable to pay to FCS under the Agreement shall not under any conditions, circumstances, or interpretations thereof exceed One Hundred Sixty-Eight Thousand Two Hundred Eighty-Six and 64/100 dollars (\$168,286.64).

3. **Recitals.** The recitals set forth above are incorporated herein by reference and made a part of the Agreement.
4. **Modifications and Conflict.** Except as modified herein, the Agreement shall remain in full force and effect and has not been otherwise modified or amended. If there is a conflict among documents that make up the Agreement, this Amendment shall prevail with regard to the conflict.

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{Execution Page Follows}

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 day signed by the last party.

FORT BEND COUNTY

Grady Prestage

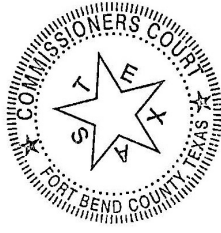
Grady Prestage, Commissioner, Precinct 2
Presiding Officer, Commissioners Court, September 10, 2024

FUEL CONTROL SOLUTIONS

Brad Kageler

AUTHORIZED AGENT – SIGNATURE

September 10, 2024
DATE



ATTEST:

Laura Richard

LAURA RICHARD, COUNTY CLERK

Brad Kageler
AUTHORIZED AGENT- PRINTED NAME

Managing Member
TITLE

8/23/24
DATE

APPROVED:

James Knight
JAMES KNIGHT, FACILITIES MANAGEMENT/
PLANNING DIRECTOR

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 168,286.64 to accomplish and pay the obligation of Fort Bend County under this contract.

Robert Ed Sturdivant
Robert Ed Sturdivant, County Auditor

Exhibit A-1: FCS Estimate # 2052

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EXHIBIT A-1



FUEL CONTROL SOLUTIONS

179 Springs Edge Dr.
Montgomery, TX 77356

Phone # 2818504933

Estimate

Date	Estimate #
8/6/2024	2052

Name / Address
Fort Bend County 301 Jackson Richmond, TX 77469

Ship To
Fort Bend County Pct 3 151 Stadium Dr Sugarland, TX 77478

P.O. No.	Terms	FOB	Project
	Net 30		

Item	Description	Qty		Rate	Total
	FMLive Fuelmaster Change Order				
	HARDWARE				
FMU5725-D4	FMLIVE, CELLULAR, PROKEE/PROX, AIM, 2A, 4	1	ea	13,569.00	13,569.00
191F0235-10	HOSE Tank Monitor Interface - Wired RS232	1	ea	219.00	219.00
	INITIAL SETUP				
PMLIVEBA/1+BI+CELL	FMLIVE PROJECT MANAGEMENT	1	ea	366.75	366.75
	ANNUAL SUBSCRIPTION COSTS				
FMLIVESM+BI	ANNUAL SUBSCRIPTION FOR FMLIVE	1	ea	1,031.76	1,031.76
Buyboard	SERVICES - CELLULAR ENABLED EQUIPMENT: BuyBoard Discount - BuyBoard Contract #673-22 (Hardware Only)			-1,378.80	-1,378.80
	Sub-Total - FMLive				13,807.71
	CREDITS				
FuelMaster	Credit for FMU3505Plus Unit originally quoted	1		-10,504.00	-10,504.00
MISC	Original BuyBoard discount applied to Fuelmaster	1	ea	1,050.40	1,050.40
	Unit				
	Sub-Total				-9,453.60
	NOTES:				

	Subtotal
	Sales Tax (8.25%)
Signature	Total



FUEL CONTROL SOLUTIONS

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Estimate

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8/6/2024	2052

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Fort Bend County 301 Jackson Richmond, TX 77469

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	Net 30		

Item	Description	Qty	Rate	Total
	<p>1. Change necessary due to recent commissioners court approval for county wide Fuelmaster system upgrade - appropriated for next budget year starting October 2024. This change eliminates unnecessary and expensive costs of installing a new Legacy unit (originally quoted), then upgrading the unit to an FMLive unit. This will be the first FMLive unit installed for the county due to the timeline. Legacy Prokees will work with the system until all county units are installed, at which time the Prokees will be updated when the update function is turned on and used at the FMU pedestal. Instructions/procedure for this will be provided prior to the update process being initiated.</p> <p>2. Annual subscription cost above for this unit only for first year of service. Subsequent years will be combined for all other county FMLive units.</p>			

Subtotal \$4,354.11

Sales Tax (8.25%) \$0.00

Total \$4,354.11

Signature _____

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.
 Fuel Control Solutions
 Montgomery, TX United States

Certificate Number:
 2024-1206595

Date Filed:
 08/27/2024

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:
 09/10/2024

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.
 25322
 Fuel Tank Change Order

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)