STATE OF TEXAS	§
	§
COUNTY OF FORT BEND	§

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

This First Amendment to Agreement for Professional Engineering Services ("First Amendment") is made and entered into by and between Fort Bend County, Texas ("County"), a political subdivision of the state of Texas, and SES Horizon Consulting Engineers, Inc. ("CONSULTANT"). County and CONSULTANT may be referred to individually as a "Party" or collectively as the "Parties."

WHEREAS, the Parties previously entered into that certain Agreement for Professional Engineering Services on July 26, 2022 (the "Agreement") for the Fort Bend County Mobility Bond Project No. 20208 pursuant to SOQ 14-025; and

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

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 CONSULTANT an additional Three Hundred Forty Three Thousand Three Hundred Fifteen and 87/100 Dollars (\$343,315.87) for the performance and completion of additional services as described in CONSULTANT's Proposal dated February 22, 2024 (the "Services") attached hereto as "Exhibit A-1" and incorporated by reference for all intents and purposes.
- 2. Limit of Appropriation. CONSULTANT understands and agrees that the Maximum Compensation payable to CONSULTANT for Services rendered under this Agreement is hereby increased to an amount not to exceed Seven Hundred Forty Six Thousand One Hundred Sixty Four and 22/100 (\$746,164.22) authorized as follows:

\$402,848.35 under the Agreement \$343,315.87 under this First Amendment

In no event shall the amount paid by County under this Agreement exceed the Maximum Compensation without a County approved change order. CONSULTANT clearly understands and agrees, such understanding and agreement being of the absolute essence of this Agreement, that County shall have available the total maximum sum of Seven Hundred Forty Six Thousand One Hundred Sixty Four and 22/100 (\$746,164.22)

specifically allocated to fully discharge any and all liabilities County may incur under the Agreement.

CONSULTANT does further understand and agree, said understanding and agreement also being of the absolute essence of the Agreement, that the total Maximum Compensation that CONSULTANT may become entitled to and the total maximum sum that County may become liable to pay to CONSULTANT under the Agreement shall not under any conditions, circumstances, or interpretations thereof exceed Seven Hundred Forty Six Thousand One Hundred Sixty Four and 22/100 (\$746,164.22).

- 3. **Certain State Law Requirements for Contracts.** The contents of this Section are required by Texas law and are included by County regardless of content For purposes of Sections 2252.152, 2271.002, and 2274.002, Texas Government Code, as amended, CONSULTANT hereby verifies that CONSULTANT and any parent company, wholly owned subsidiary, majority-owned subsidiary, and affiliate:
 - A. Unless affirmatively declared by the United States government to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization, is not identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 806.051, 807.051, or 2252.153 of the Texas Government Code.
 - B. If employing ten (10) or more full-time employees and this Agreement has a value of \$100,000.00 or more, CONSULTANT does not boycott Israel and is authorized to agree in such contracts not to boycott Israel during the term of such contracts. "Boycott Israel" has the meaning provided in § 808.001 of the Texas Government Code.
 - C. If employing ten (10) or more full-time employees and this Agreement has a value of \$100,000.00 or more, CONSULTANT does not boycott energy companies and is authorized to agree in such contracts not to boycott energy companies during the term of such contracts. "Boycott energy company" has the meaning provided in § 809.001 of the Texas Government Code.
 - D. If employing ten (10) or more full-time employees and this Agreement has a value of \$100,000.00 or more, CONSULTANT does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and is authorized to agree in such contracts not to discriminate against a firearm entity or firearm trade association during the term of such contracts. "Discriminate against a firearm entity or firearm trade association" has the meaning provided in § 2274.001(3) of the Texas Government Code. "Firearm entity" and "firearm trade association" have the meanings provided in § 2274.001(6) and (7) of the Texas Government Code.

- 4. **Recitals.** The recitals set forth above are incorporated herein by reference and made a part of the Agreement.
- 5. Human Trafficking. BY ACCEPTANCE OF THIS AGREEMENT, CONSULTANT ACKNOWLEDGES THAT FORT BEND 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.
- 6. 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 First Amendment shall prevail with regard to the conflict.

FORT BEND COUNTY, TEXAS

KP George, County Judge

October 23, 2024

Date Approved by Commissioners Court on 10/22/2024

ATTEST:

SES HORIZON CONSULTING ENGINEERS, INC.

Authorized Agent – Signature

Epifanio E. Salazar, Jr., P.E.

Authorized Agent- Printed Name

Principal

Title

September 25, 2024

Date

APPROVED:

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

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$746,164.22 accomplish and pay the obligation of Fort Bend County, Texas under this Agreement.

Robert E. Sturdivant, **County Auditor**

i:\agreements\2024 agreements\engineering\ses horizon engineering consultants (22-eng-101111-a1)\amendment (addt'l services) - ses.docx -ILE

to



February 22, 2024

Fort Bend County Engineering Department C/O Mr. Gabriel Odreman, P.E., PMP Tetra Tech, Inc. 575 N. Dairy Ashford, Suite 700 Houston, Texas 77079

Reference Project: 2020 Fort Bend County (FBC) Mobility Program Trammel Fresno Road (TFR) From: McKeever Road To SH 6 Fort Bend Project No. 20208

Dear Mr. Odreman:

SES Horizon Consulting Engineers, Inc. (SES) respectfully submits this supplemental fee proposal request for the above referenced project to include the professional engineering and technical services related to the current scope of work for the subject project versus the original scope of work. SES previously provided a level of effort (LOE) and request for authorization for this project based on the original scope on March 16, 2022. To date SES has submitted the Preliminary Engineering Report (PER) and 70% Final Design Plans for the subject project. SES has included an LOE and subprovider proposals for your reference and use.

Construction Cost To Date: \$9,972,260.00 (Includes A 20.00% Contingency)

(\$8,310,217.00 X 1.20)

Original Construction Cost: \$2,203,950.00

Project Scope Changes To Date

- A. Current Project has evolved from a simple existing asphalt widening project with open ditches drainaing to Oyster Creek without a closed system to a concrete curb and gutter pavement structure with both open and closed drainage systems that outfall to Oyster Creek. Retaining walls with rail barriers are required for this project. The existing structure under TFR is a large CMP Arch Pipe that requires extentsions on both sides. SES developed several iteration (3-4) designs to get to the proposed plan layout to date.
- B. The original intent was for SES Horizon Consulting Engineers, Inc. (SES) was to simply tie-in to a design by "others" West and East of Sienna Parkway. SES provided many iteration designs with "others", SES eventually ended up providing the proposed intersection design line work that SES would tie-in to

Reference Project: 2020 Fort Bend County Mobility Program Trammel Fresno Road From: McKeever Road To SH 6 Fort Bend Project No. 20208 February 22, 2024 Page 2

and be incorporated by "others".

- C. The proposed drainage system to date will require open ditches, closed storm sewers and inlets to capture road drainage. The original scope did not include these components.
- D. The TCP will be much more complex and include detours to construct the original scope versus the current scope.
- E. SES developed several iterations of proposed typical sections and plan view development in an effort to reduce and minimize right of way takings. To date, SES has eliminated the need for additional right of way from ~20-25 parcels to 0 parcels.
- F. The 30% plan set development as a component of the PER and PER meeting will require significant and major changes. The plan and profile sheets are much more complex then the original scope. Plan and profile sheets will be required for the proposed retaining walls.
- G. Additional Services SES recommends for final design: stake and monument the existing right of way at every existing parcel, tree prerervation and protection plan and TDLR review and approval for proposed sidewalks.
- H. The fee structure for this project should be based on the current construction cost which is ~452% greater than the original scope by using standard the FBC design fee calculator.

Compensation:

SES proposes to perform the services described above for the fees indicated below.

1. Recover Preliminary Engineering Phase (PER):							
	\$126,065.85						
2. Recover Final Plans Phase:							
Preparation Of PS&E	\$196,520.02						
3. Supplement Bid Phase And Construction Pha							
	\$20,730.00						
Total Fee Proposal	<u>\$343,315.87</u>						



Reference Project: 2020 Fort Bend County Mobility Program Trammel Fresno Road From: McKeever Road To SH 6 Fort Bend Project No. 20208 February 22, 2024 Page 3

The Previous Fee Proposal (Basic Plus Additional)based on the original scope of work:\$402,848.35

The Proposed Fee Proposal Supplement (Basic Plus Additional) based on the current scope of work: \$343,315.87

Total Fee:

\$746,164.22

Total Fee As Percentage Of The Current Construction Cost Excluding Contingency: (\$746,164.22/\$8,310,217.00) X 100.00 = 8.98%

Exclusions:

1. Environmental services, including but not limited to, preliminary wetlands investigations and Phase I Environmental Site Assessment

- 2. Fault Studies
- 3. Utility company signatures on completed drawings.
- 4. Construction Staking.
- 5. Material testing during construction.
- 6. Construction inspection services.

7.Construction management services, including processing of pay applications, change orders, etc..

Please review and advise if you require any additional information and/or clarifications. We look forward to providing this service to **FBC**.

Sincerely,

SES HORIZON CONSULTING ENGINEERS, INC. TBPE Firm Registration Number 3922

ELE.S.A. P.E.

Epifanio (Epi) E. Salazar Jr., P.E., Principal



Fort Bend County 2020 Mobility Bond Program Fee Estimate Worksheet

Project : Trammel Fresno Road From McKeever Road To SH 6

Second	TASK DESCRIPTION	PRINCIPAL	PROJECT COORDINATOR	STRUCTURAL ENGINEER	SENIOR ENGINEER	ENGINEER	ENGINEERING TECHNICIAN	TECHNICIAN	ADMINISTRATION	TOTAL HOURS		Task Total
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AECOM 19219 Katy Freeway Suite 100 Houston, Texas 77094 www.aecom.com

Dear Mr. Salazar:

AECOM Technical Services, Inc. (AECOM) is providing this proposal for the preliminary drainage analysis of the Trammel-Fresno Rd project. This proposal includes an evaluation of impacts due to an increase in impervious coverage and floodplain fill. This proposal has been prepared as requested by you and based on understanding of the work from our phone conversation on Tuesday, October 4th, 2022.

SCOPE OF WORK

This proposal serves to cover the drainage analysis for the design of the drainage system along Trammel- Fresno Rd. between McKeever Rd. and State Highway 6.

TASKS AND ASSUMPTIONS

This proposal includes the following tasks:

- 1. Hydrologic Analysis:
 - Delineation of off-site and roadway drainage areas for proposed conditions.
 - Determination of hydrologic parameters
 - Calculation of peak flows using Rational Method
- 2. Hydraulic Analysis Open and Closed Systems:
 - Set up a hydraulic model to determine conveyance capacity of open ditches and storm sewers
 - Determine appropriate ditch geometry and storm sewer sizes.
- 3. Updates to Oyster Creek model:
 - Update HEC-RAS model with proposed geometry for crossing culvert
- 4. Coordination with the client
 - Attend and prepare material as needed for coordination with the client.
- 5. QA/QC
 - Overall revisions of all analyses and deliverables to the client
- 6. Set up PS&E Sheets
 - Prepare spreadsheet and provide geographic data that contain information needed to prepare PS&E sheets for the projects. These will include:
 - Hydrologic parameters
 - Hydraulic calculations
 - Drainage areas
- 7. General Management
 - General oversight and coordination of the project



TBPE Reg No. F-3580

This proposal includes the following assumptions:

- All submittals will be electronic. No hard copies will be submitted.
- Mapping from the hydraulic model will not be included
- A LOMR will not be completed as part of this study
- Cut and fill calculations will not be completed as part of this study

SCHEDULE AND ESTIMATED COST

The estimated cost to complete this work is shown below. AECOM will submit the draft memo within 8 weeks following receipt of a Notice to Proceed.

Table 1. Estimated Fee

Description	Estimated Cost
Trammel- Fresno Rd. Drainage Analysis	\$24,920.02

Thank you for the opportunity to work with SES Horizon on this important project. Please do not hesitate to contact me if you have any questions or require any additional information.

Yours sincerely,

Johanna Guerrero, PE, CFM Water Resources Project Manager AECOM Technical Services, Inc.

T: 281.646.2471

E: Johanna.Guerrero@aecom.com

TASK	DESCRIPTION	PROJECT MANAGER	SENIOR ENGINEER	PROJECT ENGINEER		ENGINEER- IN-TRANING	SENIOR ENGINEER TECHNICIAN	ENGINEER TECHNICIAN	SENIOR CADD OPERATOR	CADD OPERATOR		SENIOR GIS OPERATOR		JUNIOR GIS OPERATOR	ADMIN	TOTAL LABOR HOURS	TOTAL LABOR COSTS
		\$182.39	\$210.89	\$140.63	\$138.82	\$107.55	\$143.40	\$112.67	\$121.64	\$90.91	\$51.34	\$133.16	\$107.55	\$72.98	\$81.94		
1	HYDROLOGIC ANALYSIS		2			10										12	\$1,497.28
2	HYDRAULIC ANALYSIS - OPEN AND CLOSED SYSTEMS	2	8		2	24										36	\$4,910.74
3	UPDATES TO OYSTER CREEK MODEL		2			8										10	\$1,282.18
4	COORDINATION WITH CLIENT	4	4			10										18	\$2,648.62
5	QA/QC	4	24		2	18										48	\$8,004.46
6	SET UP PS&E SHEETS		2			24										26	\$3,002.98
7	GENERAL MANAGEMENT	16													8	24	\$3,573.76
TOTAL HOURS		26	42	_	4	94	-		_	-	-	-	-	-	8	174	
TOTAL FEE		\$4,742.14	\$8,857.38	\$0.00	\$555.28	\$10,109.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$655.52		\$24,920.02

BURDITT Consultants LLC

LAND | PLACE STUDIO – Connecting People to Place

ARCHITECTURE + LANDSCAPE ARCHITECTURE + URBAN PLANNING

December 1, 2023

Sent by Email: epi.Salazar@seshorizon.com

Mr. Epi Salazar, Jr., P.E. SES Horizon Consulting Engineers, Inc. 10101 Southwest Freeway, Suite 400 Houston, TX 77074

RE: Proposal for Urban Forestry Consulting Services Mobility Program Trammel-Fresno Road from: McKeever Rd. to Highway 6

Dear Epi:

Per your request, please accept this letter as our proposal for Urban Forestry Consulting Services to provide SES Horizon Consulting Engineers, Inc. (Client) with Tree Protection and Mitigation Plan services. *Burditt* will provide all consulting, labor, and materials necessary to complete items detailed in our proposal. *Burditt* is prepared to provide Urban Forestry Services in a manner that is best suited to the needs of client and the City of Missouri City/Fort Bend County requirements.

If this meets with your approval, we are prepared to proceed upon completion of a mutually approved professional services agreement, written Notice to Proceed, and receipt of engineering documents. Certificates of Insurance will be sent to you directly from our Insurance Company.

FEES

Fees for providing services, as described in attached Exhibits A and B and subject to the Terms and Conditions attached hereto, are:

Tree Protection Plan & Mitigation Plan \$ 11,000.00

Thank you for the opportunity to provide this proposal. We look forward to continuing our services to you on this project.

Respectfully,

Paul Stoward

Paul S. Howard Urban Forester

PSH/CB

Conroe: 310 Longmire Road Conroe, Texas 77304 Bryan: 105 N. Main, Ste. 123 Bryan, Texas 77803 www.burditt.com

Conroe 936.756.3041 Bryan 979.977.5846 Fax 936.539.3240 Enclosures: 3 – Exhibit A – Project Limits Exhibit B – Scope of Services Terms and Conditions

APPROVED:

Urban Forestry Consulting Services

Tree Protection and Mitigation Plan.....\$11,000.00

SES Horizon Consulting Engineers, Inc.

BY: _____ DATE: _____

Exhibit A – Project Limits

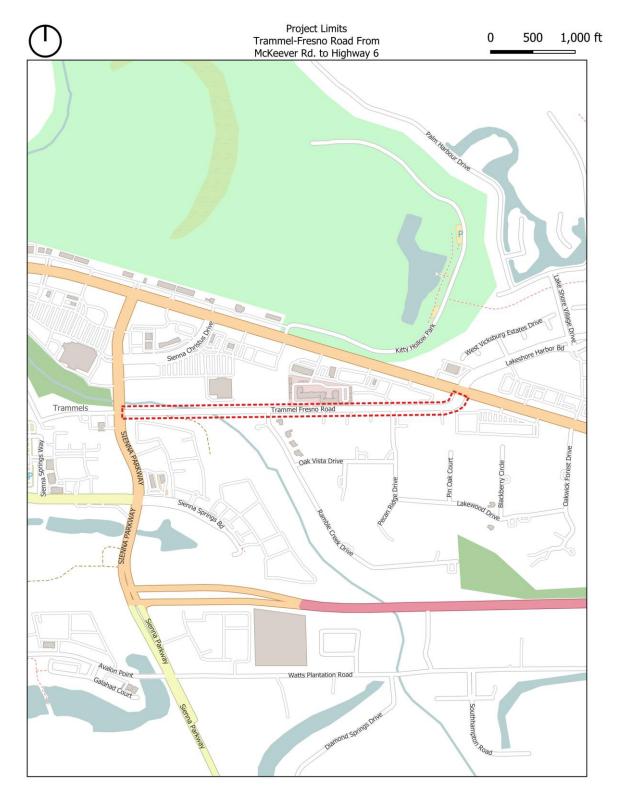


Exhibit B – Scope of Services

Mobility Program Trammel-Fresno Road from: McKeever Rd. to Highway 6

Urban Forestry Scope of Services – *Burditt* will provide the following necessary services to ensure both a successful project as well as the greatest opportunity for survival of the subject trees:

A. Site Assessment

B. Tree Protection and Mitigation Plan Development (Redlines)

- Design Review Review of construction documents to determine any areas of conflict between the design and tree preservation. Review will include the following potential impacts:
 - i. Demolition and reconstruction locations
 - ii. New construction locations
 - iii. Open pit or trench locations
 - iv. All applicable construction document specifications
 - v. Methods of installation
 - vi. Excavation areas behind existing curbs
 - vii. Pavement Installation Methods
 - viii. Utility Installation Methods
- Burditt will develop a Tree Preservation and Mitigation Plan for inclusion in the construction documents. These redlined construction documents will include all specification and detail drawings, an estimated budget for treatments, and a schedule of the treatments. Plans and specifications will be provided at 60%, 90% and 100% submittal levels. CAD drawn documents will be developed by SES Horizon Consulting Engineers.

Deliverables: Tree Protection and Mitigation Plan (Redlines) Tree Protection Treatments and Budget Tree Protection Specifications and Details

C. Finalization of Documents

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.		CE	OFFICE USE	-			
1	Name of business entity filing form, and the city, state and count of business.		Certificate Number: 2024-1224659					
	SES Horizon Consulting Engineers, Inc.		202	4-1224039				
	Houston, TX United States	Date	e Filed:					
2	Name of governmental entity or state agency that is a party to the)9/2024					
2	being filed.	e contract for which the form is	10/0	0,2021				
	Fort Bend County (FBC), Texas		Date	Acknowledged:				
		10/2	22/2024					
3	Provide the identification number used by the governmental entit description of the services, goods, or other property to be provid		tify the o	contract, and prov	vide a			
	FBC Project Number 20208							
	Professional Engineering And Technical Services - Trammel F	Fresno Road						
4				Nature of	interest			
1	Name of Interested Party	City, State, Country (place of bu	siness)	(check ap	plicable)			
				Controlling	Intermediary			
5	Check only if there is NO Interested Party.							
6	UNSWORN DECLARATION							
	My name is	, and my date	of birth i	S				
	My address is(street)	,,, (city)	(otot-)	/=	,			
	(street)	(сту)	(state)	(zip code)	(country)			
	I declare under penalty of perjury that the foregoing is true and correc							
	Executed inCounty	v, State of, on t	he					
				(month)	(year)			
		Signature of authorized agent of	contractir	ng business entity				
		(Declarant)						