

FIRST AMENDMENT TO AGREEMENT FOR UTILITY ADJUSTMENTS

THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

THIS FIRST AMENDMENT TO AGREEMENT is made, entered into, and executed by and between the **Harris County Flood Control District**, a body corporate and politic under the laws of the State of Texas, hereinafter called "District," or "HCFCD" and **Southwestern Bell Telephone Company, LLC dba AT&T Texas** hereinafter called the "OWNER." The District and OWNER are referred to herein collectively as the "Parties" and individually as a "Party."

RECITALS:

The District and OWNER previously entered into an Agreement for Utility Adjustments (the "Master Agreement"), dated December 14, 2021, to adjust, relocate, or remove OWNER's facilities to accommodate proposed improvements to HCFCD Unit D100-00-00, Stella Link Road Bridge, Phase 2, Precinct 1.

The OWNER faces additional costs associated with utility adjustments to accommodate the proposed improvements.

The Parties now desire to amend the Master Agreement for the first time (the "First Amendment") to address the additional costs.

The Parties desire to replace Exhibit "B" Approval of Cost Estimate, with Revised Exhibit "B" Approval of Cost Estimate.

The Parties desire to replace Exhibit "C" Owner's Estimate of Cost with Revised Exhibit "C" Owner's Estimate of Cost.

The Parties desire to increase the Owner's Estimate of Cost, by \$129,528.31, to \$341,727.64.

NOW, THEREFORE, the District and the OWNER, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

TERMS:

1. Maximum Costs

Paragraph 2 of the second page of the Master Agreement is hereby amended to read as follows:

The DISTRICT and OWNER understand and agree that the maximum amount the DISTRICT has to pay for the Work under this Agreement is \$341,727.64, which is represented by the dollar figure in Revised Exhibit "C", Estimate of Cost, and that the DISTRICT cannot pay any additional costs over that maximum amount without approval from the Harris County Commissioners Court. At any point during the performance of the Work, if the cost exceeds or if it appears it will exceed the Estimate of Cost approved by the Harris County Commissioners Court, the parties agree to review these costs and to determine how to proceed. If the DISTRICT agrees to the additional amount, the DISTRICT will request the additional amount from the Harris County Commissioners Court. If the Harris County Commissioners Court does not approve the additional amount, OWNER may terminate this Agreement. Additional costs attributable to the negligence of OWNER or its contractor(s) in the performance of the Work may not be the basis for additional compensation to OWNER.

2. Revised Exhibit "B"

Exhibit "B" to the Master Agreement is hereby replaced with Revised Exhibit "B", the updated Approval of Cost Estimate, and made part thereof for all purposes.

3. Revised Exhibit "C"

Exhibit C to the Master Agreement is hereby replaced with Revised Exhibit "C", the updated Owner's Estimate of Cost, and made a part thereof for all purposes.

4. Order of Precedence

It is expressly understood and agreed that the Master Agreement is incorporated herein by reference. In the event of any conflict between the terms and provisions of this First Amendment, or any portion thereof, and the terms and provisions of any other part or portion of the Master Agreement, this First Amendment shall control.

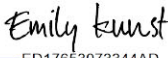
All other terms and provisions of the Master Agreement shall remain in full force and effect as originally written.

EXECUTED on _____.

APPROVED AS TO FORM:

CHRISTIAN D. MENEFFEE
HARRIS COUNTY ATTORNEY

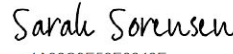
HARRIS COUNTY FLOOD CONTROL
DISTRICT

Signed by:

By _____
Emily Kunst
Assistant County Attorney
25GEN1010

By _____
Lina Hidalgo
County Judge

ATTEST:

SOUTHWESTERN BELL TELEPHONE
COMPANY, LLC DBA AT&T TEXAS

Signed by:

By _____
Sarah Sorensen
Assistant Vice President-Senior Legal Counsel

DocuSigned by:

By _____
Alfonso Martinez
Director-Network Services



MEMORANDUM

DATE: April 29, 2025

TO: Jorge L. Alba, PhD, PE, CFM, F-ASCE
Director, Engineering Division

FROM: Steven Wright
Utility Coordination


RE: Amendment to Agreement for Utility Adjustments
Southwestern Bell Telephone Company dba AT&T Texas
Project ID D100-00-00-B027
Agreement No. 2022-100; Bond ID C-11

Attached for your approval is the final estimated additional costs associated with utility adjustments to Southwestern Bell Telephone Company dba AT&T Texas facilities near HCFCD Unit D100-00-00, Stella Link Road Bridge, Phase 2.

Original Estimated Cost was	\$212,199.33
Additional Final Estimated Cost is	\$129,528.31

TOTAL FINAL ESTIMATED COST \$341,727.64

APPROVED:

DocuSigned by:

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Jorge L. Alba, PhD, PE, CFM, F-ASCE
Director, Engineering Division

SW:klt

REVISED EXHIBIT "B"

REVISED EXHIBIT “C”

HARRIS COUNTY FLOOD

AT&T Project No

INVOICE-CRIS #

A01TMMR

Summary of Charges

Bill Preview

Summary of Charges	
Material/Equipment	25,335.89
Labor - Contract	64,334.52
Labor - AT&T	58,696.82
Engineering - Contract	39,874.00
Engineering - AT&T	18,181.60
AT&T Labor/Engineering Benefit Loading	18154.02
Minor and Miscellaneous Expense	42,513.69
Corporate Overhead Loadings	77,834.43
Gross Construction Cost	\$344,924.98
Plant Betterment Credit	0
Salvage Credit	\$3,197.34
Depreciation Credit	\$0.00
Net Construction Cost	\$341,727.64
x Eligibility Ratio of	100.00%
Total Cost	\$341,727.64
Less: Previous Billings	\$212,199.33
Total Amount Due	\$129,528.31

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on _____, with all members present except _____.

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO
 AGREEMENT FOR UTILITY ADJUSTMENTS
 BETWEEN THE HARRIS COUNTY FLOOD CONTROL DISTRICT
 AND SOUTHWESTERN BELL TELEPHONE COMPANY, LLC DBA AT&T TEXAS**

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lesley Briones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

The District and OWNER previously entered into an Agreement for Utility Adjustments (the "Master Agreement"), dated December 14, 2021, to adjust, relocate, or remove OWNER's facilities to accommodate proposed improvements to HCFCD Unit D100-00-00, Stella Link Road Bridge, Phase 2, Precinct 1.

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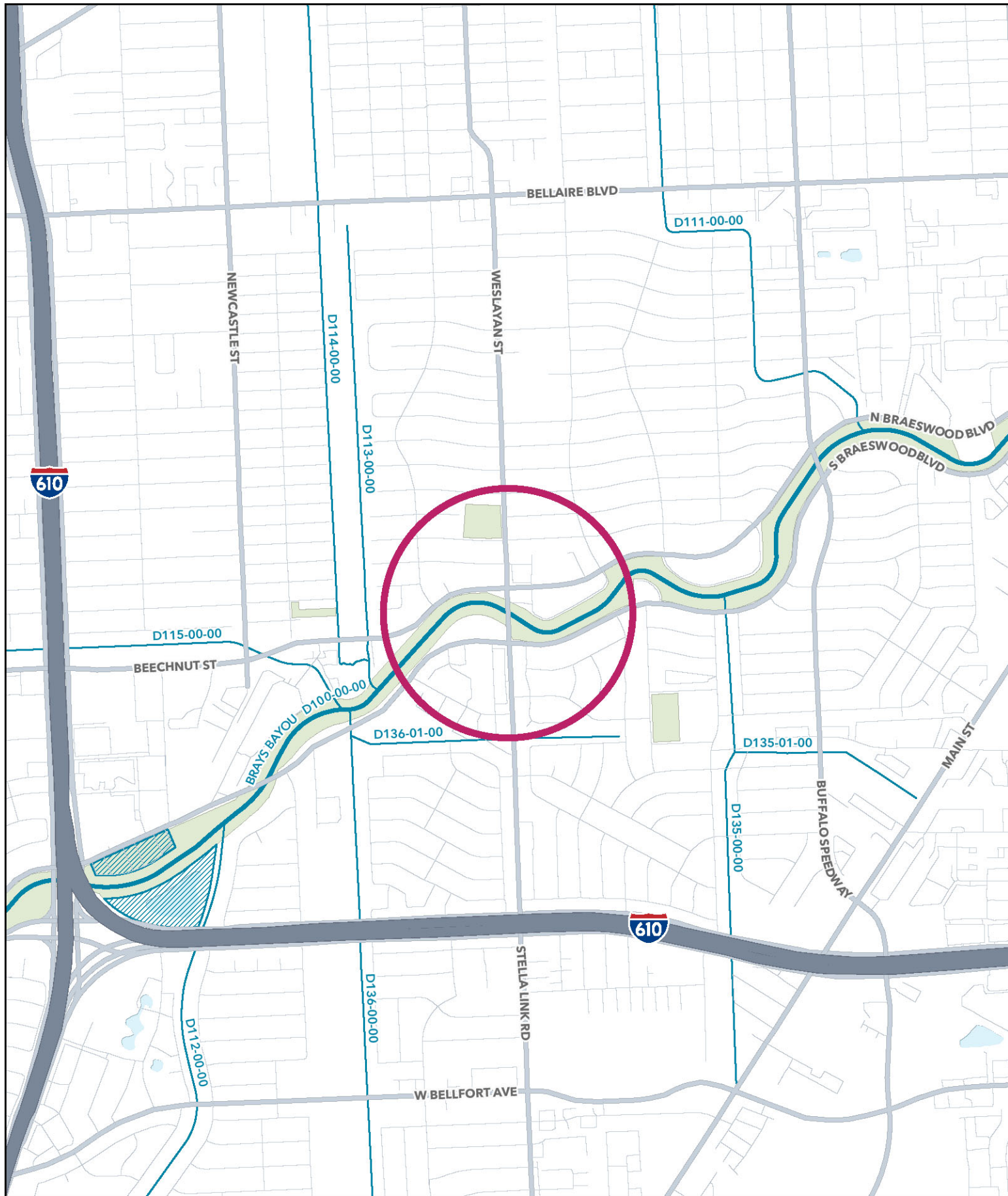
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The Parties desire to increase the Owner's Estimate of Cost, by \$129,528.31, to \$341,727.64.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

- Section 1: The recitals set forth in this order are true and correct.
- Section 2: Exemption from the County Purchasing Act under Texas Local Government Code § 262.024(a)(4) is hereby granted.
- Section 3: County Judge Lina Hidalgo is hereby authorized to execute for and on behalf of the Harris County Flood Control District, an Amendment to Agreement for Utility Adjustments by and between the Harris County Flood Control District and Southwestern Bell Telephone Company, LLC dba AT&T Texas for additional costs associated with utility adjustments to facilities near HCFCD Unit D100-00-00, Stella Link Bridge Phase 2., for a fee increase of \$129,528.31, raising the maximum fee to be paid by the District to \$341,727.64, said Amendment to Agreement being incorporated herein by reference for all purposes as though fully set forth verbatim herein.
- Section 4: All Harris County and Harris County Flood Control District officials and employees are authorized to any and all things necessary or convenient to accomplish the purposes of this order.

fp at&t D100-B027 2022-100 amend.docx



Project ID: D100-00-00-B027

Watershed: Brays Bayou

Precinct: 1