

FIRST AMENDMENT TO AGREEMENT #2020-054
ENGINEERING SERVICES FOR
DESIGN AND PROJECT MANAGEMENT
DOWNTOWN EASTSIDE DRAINAGE (4TH STREET)

This *First Amendment to Agreement #2020-054 Engineering Services for Design and Project Management, Downtown Eastside Drainage (4th Street)* ("Amendment") is entered into by and between the **CITY OF FULSHEAR, TEXAS** ("City"), a Texas municipality, and **Pape-Dawson Consulting Engineers, LLC** (the "Professional Service Provider" or "Contractor"), a Texas limited liability company. Collectively, the City and the Professional Service Provider may be referred to as the "Parties".

WHEREAS, the Parties entered into an Agreement for professional engineering services dated October 21, 2020 that was entitled "*Agreement #2020-54, Engineering Services for, Design and Project Management, East Side FM 359 Storm Sewer Improvements – Phase I of Project B.*" (the "Original Agreement"); and

WHEREAS, the name of the project, "*East Side FM 359 Storm Sewer Improvements – Phase I of Project B*", has been updated by the City to, "*Downtown Eastside Drainage (4th Street)*"; and

WHEREAS, on July 14, 2023, Pape-Dawson Consulting Engineers, LLC, successfully completed the acquisition of Costello, LLC, the original contracting professional service provider in Agreement #2020-054, and all assets and liabilities of Costello were duly transferred to Pape-Dawson as part of that acquisition; and

WHEREAS, the parties desire to correct a scrivener's or clerical error regarding the Fees / Contract Sum in Section 4 of the Original Agreement dated October 21, 2020.

NOW, THEREFORE, for and in consideration of the services, payments, mutual benefits, and other valuable consideration contained herein, the Parties mutually agree to amend the following terms, covenants and conditions of the Original Agreement for professional engineering services as follows:

1. All references to "Costello, LLC" in the Original Agreement shall be amended to read, "Pape-Dawson Consulting Engineers, LLC". The contact information for Pape-Dawson Consulting Engineers, LLC shall be updated to:

Pape-Dawson Consulting Engineers, LLC.
Attn: J Stephen Wilcox
2107 Citywest Boulevard, Third Floor Houston, TX 77042
Email: swilcox@pape-dawson.com

2. All references to the name of the project, which was formerly "*East Side FM 359 Storm Sewer Improvements – Phase I of Project B*", shall be changed to "*Downtown Eastside Drainage (4th Street)*". Further, the name of the Original Agreement shall be amended to, "*Agreement #2020-*

054, Engineering Services for Design and Project Management, Downtown Eastside Drainage (4th Street).”

3. **Section 4.1** Section 4.1 of the Original Agreement is deleted in its entirety, and the following language is substituted in its place:

4.1 Contract Sum. The City shall compensate Pape-Dawson Consulting Engineers, LLC for the performance of Services rendered per the professional engineering services proposal in **Appendix A** and in accordance with the Compensation Table and Rate Schedule contained in **Appendix A**. The total fees paid under this Agreement shall not exceed **\$288,762.00**.

4. All other terms and conditions of the Original Agreement shall remain the same.

By the signatures affixed below, this Amendment is hereby incorporated into and made a part of the Original Agreement. This Amendment has an effective date of September_____, 2024.

CITY:

CITY OF FULSHEAR, TEXAS

By: _____
City Manager

PROFESSIONAL SERVICE PROVIDER / CONTRACTOR:

PAPE-DAWSON CONSULTING ENGINEERS, LLC.

By: 

Name: Dustin O'Neal

Title: Managing Principal