

STATE OF TEXAS       §  
                                  §  
COUNTY OF HIDALGO   §

**AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT BETWEEN  
HIDALGO COUNTY, TEXAS AND  
COOK-JOYCE, INC.**

This AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT (No. 05026.05) dated May 5, 2008 BY AND BETWEEN **HIDALGO COUNTY, TEXAS** ("County") and **COOK-JOYCE, INC** (the "COMPANY") is entered into between the parties effective this \_\_\_\_ day of \_\_\_\_\_ 2009.

**WHEREAS**, Company and County entered into an Agreement dated May 5, 2008 in which the Company agreed to provide professional engineering services concerning the operation, development and closure of the Hidalgo County Precinct 3 Penitas landfill (the "Agreement")

**WHEREAS**, the Company desires to correct errors in Exhibit A to the Agreement provided by the Company.

**NOW THEREFORE**, for and in consideration of the terms and provisions set forth herein, for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and Company hereby agree to the following amendments to the Agreement.

1. Exhibit A to Agreement is deleted in its entirety and the attached Exhibit A is inserted in lieu thereof:
  
2. Except as modified herein, all terms and conditions of the Agreement, as amended, remain in full force and effect and Company and County ratify and confirm the terms and provisions of the Agreement as amended.

EXECUTED IN DUPLICATE ORIGINALS and effective as of the day and year first written above.

**COOK-JOYCE, INC.**

\_\_\_\_\_  
**Stephen L. Cook, P.E., President**

**HIDALGO COUNTY**

\_\_\_\_\_  
Juan de Dios (J.D.) Salinas, III, County Judge

ATTEST:

\_\_\_\_\_  
Arturo Guajardo, Jr. County Clerk

APPROVED AS TO FORM:

ATLAS & HALL, L.L.P.

By: \_\_\_\_\_  
Stephen L. Crain



## EXHIBIT "A"

October 2, 2009

Commissioner Joe Flores  
Hidalgo County Precinct 3  
P.O. Box 607  
Mission, Texas 78573

Re: Precinct 3 - Peñitas Landfill  
Landfill Engineering Services Contract No. 05026.05 (May 5, 2008) - Amended

Dear Commissioner Flores:

I am pleased to provide you with this contract amendment to continue providing engineering services that support the operation, development and closure of the Hidalgo County Precinct 3 - Peñitas landfill. In particular, Texas Commission on Environmental Quality (TCEQ) regulations require that the landfill continue gas monitoring, disposal cell development and final cover activities under engineering guidance. These services will be performed economically under terms of the standard County contract developed for the landfill (Contract No. 05026.05). The contract's original budget amount of \$76,700 is proposed to provide the engineering services and construction quality assurance described below. The rate of waste received at the landfill is variable, and a specific projection of the remaining life of the landfill and associated completion date for engineering services cannot be made. Thus, work under this contract will begin May 1, 2008 and continue until work tasks have been accomplished.

### SCOPE OF WORK

#### Task 1 – Permit Compliance and Monitoring

Engineering guidance will be provided as requested to support landfill operations in compliance with the permit. Assistance may be provided for annual TCEQ reports, TCEQ inspection preparation, tire bale and brush handling operations, final cover design and coordination, and permit modifications insuring that landfill operations match Site Plans. Quarterly methane gas monitoring will also be conducted as required by TCEQ.

The County may desire to modify the landfill permit by increasing the height of portions of the landfill, thereby extending the landfill life and more efficiently staging closure construction tasks. A basic permit modification or amendment application to TCEQ may be initiated under this

HIDALGO CO\FINAL\05026.05  
L091002\_FLORES.DOC



Task. Additionally, if closure work will involve contractor bids, the bid plans and specification can be developed under this task.

A summary of work will be provided at the completion of the contract term.

Work will be conducted as requested by Precinct 3 managers up to the \$40,200 budgeted for this Task. If the work effort required by this task exceeds this budget, available budgeted funds may be drawn from other tasks or a budget amendment may be required.

#### Task 2 –Construction Quality Assurance for Landfill Final Cover

During late 2001, Precinct 3 forces began installing compacted clay cover over landfill Cells F and G. In the upcoming months, additional clay cover and seeding may be installed to complete final cover for other portions of the landfill. The potential for this work has been coordinated with other County earthwork projects that may have soil available for the landfill cover project. As required by TCEQ, a Final Cover Evaluation Report will be produced for this work, sealed by an engineer and submitted to the TCEQ Municipal Waste Permits Division. This report will document the project location, construction methods, observations, and soil test results.

Full time observation of the work will be provided when the remaining construction activity is underway (as set forth in the Final Cover Quality Control Plan). Observation during as many as 18 days over 8 work periods is included for this task.

The budget for this work task is \$28,500.

#### Task 3 – Soil Testing During Closure Construction

Soil testing will be provided during the construction project as required by TCEQ. Tests include:

- \$ field moisture and density tests (a maximum of 6 testing trips)
- \$ permeability tests of shelly tube samples (a maximum of 4 tests)
- \$ sieve analysis (passing the #200 sieve) and Atterberg Limits (a maximum of 4 tests)
- \$ Standard Proctor and remolded permeability test (2 tests)

The budget for this work task is \$8,000. Additional sampling requirements may require an amendment to the budget.

Commissioner Joe Flores  
October 2, 2009  
Page 3

EXHIBIT "A"



**PROFESSIONAL SERVICES AGREEMENT AND SCHEDULE**

This scope of work will be conducted as further described in Professional Services Agreement No. 05026.05. As in the past, surveying which may be needed during the work will be provided by a surveying company under separate contract to the County. The duration of this scope of work is expected to extend until work on all tasks has been accomplished. Specific project tasks may vary and the contract budget may be reallocated as needed. Additionally, the budget may be amended to cover extra work upon written approval by both parties as set forth in the Agreement.

I appreciate your consideration of this amendment to the duration of this contract. It is a pleasure to assist you with the landfill operations and development. If any further information is needed, please give Brian Dudley, P.E. a call at 512/474-9097.

Sincerely,

Stephen L. Cook, P.E.  
President

BD:nn