

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**AMENDMENT NO. 4
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** (the “County”), and **COOK-JOYCE, INC.** (the “Company”) is entered into between the parties effective this 12th day of June, 2012.

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 modify the scope of work in Exhibit A, to the Agreement provided by the Company.

WHEREAS, the parties desire to amend the Agreement as hereinafter provided.

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 the 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.

HIDALGO COUNTY

Ramon Garcia, County Judge

ATTEST:

Arturo Guajardo, Jr., County Clerk

COOK-JOYCE, INC.

Stephen L. Cook, P.E., President

Approved as to Form:

ATLAS, RODRIGUEZ & HALL, LLP

By: _____
Stephen L. Crain



EXHIBIT "A"

May 11, 2012

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

Re: Precinct 3 - Peñitas Landfill
Landfill Engineering Services
Amendment to Contract No. 05026.05

Dear Commissioner Flores:

Cook-Joyce, Inc. (CJI) is pleased to provide you with this proposal for continuing engineering services that support the operation, development and phased closure of the Hidalgo County Precinct 3 - Peñitas landfill. In particular, the Texas Commission on Environmental Quality (TCEQ) has approved the landfill Permit amendment to increase the landfill capacity and allow continued operations for approximately five more years. Additionally, the landfill must operate under engineering guidance to monitor methane gas, develop new disposal cells in accordance with the Permit amendment, and install final cover soil over waste in completed landfill cells. This work will be authorized as an Amendment to the Professional Services Agreement 05026.05 (PSA) originally approved on May 5, 2008, and CJI will perform these services economically under the terms of the standard County contract developed for the landfill. An additional budget amount of \$62,955 is added to the PSA to provide the engineering and construction quality assurance services described below, starting on the date of approval of the Amendment by the Hidalgo County Commissioners Court.

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. Future work, therefore, will continue until work tasks have been accomplished or the budget exhausted.

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.



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The newly amended landfill permit increases the authorized height of portions of the landfill and authorizes a new disposal cell for selected (Type IV) wastes to the east of the current landfill, thereby extending the landfill life and more efficiently staging closure construction tasks. Guidance will be provided to the County for specific site development, operations and TCEQ notice procedures that are contained within the amended permit. Additionally, if closure work will involve contractor bids, the bid plans and specifications 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 \$32,720 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

As portions of the landfill are brought up to design elevations by disposal operations, Precinct 3 forces or contractors will begin installing compacted clay cover over landfilled waste as required by the permit. The potential for this work has been coordinated with other County earthwork projects which may have soil available for the landfill cover project.

CJI will provide construction quality assurance observation and a Construction Certification Report for this work. As required by TCEQ, the Report will be 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 soil compaction activity is underway (as set forth in the Final Cover Quality Control Plan). Observation during as many as 9 days over 4 work periods is included in the \$22,760 budget for this task.

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 8 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)



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The budget for this work task is \$7,475. Additional sampling requirements may require an amendment to the budget.

PROFESSIONAL SERVICES AGREEMENT AND SCHEDULE

This scope of work will be conducted as further described in the Professional Services Agreement. 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.

CJL appreciates your consideration of this scope of work. 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,

A handwritten signature in blue ink, appearing to read 'Kathy L. McGee'.

Kathy L. McGee, P.E.
Vice President

Cc: Brian Dudley