

FILED
 AT 3:00 O'CLOCK P M
 SEP 04 2018
 ARTURO GUAJARDO, JR. COUNTY CLERK
 HIDALGO COUNTY, TEXAS
 BY _____ DEPUTY

STATE OF TEXAS §
 §
 COUNTY OF HIDALGO §

**AMENDMENT NO. 6
 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 14th day of August, 2018.

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 County 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.

ATTEST:

 Arturo Guajardo, Jr., County Clerk


HIDALGO COUNTY

 Ramon Garcia, County Judge

APPROVED BY
 COMMISSIONERS' COURT
 ON: 8/14/18 

COOK-JOYCE, INC.

Kathy L. McGee, P.E., President

Approved by Commissioner's Court on: August 14th, 2018.

APPROVED AS TO FORM:

ATLAS, HALL & RODRIGUEZ, LLP

By: _____


Stephen L. Crain

Exhibit A



June 25, 2018

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 this proposal for continuing engineering services that support the final operation and closure of the Hidalgo County Precinct 3 - Peñitas landfill. The landfill is expected to be completely full and close its gate to users on October 31, 2018. Final closure work is targeted for completion on December 31, 2018. The landfill must operate under engineering guidance to monitor methane gas, compact waste in accordance with the Permitted plans, install final cover soil over waste in completed landfill cells and initiate landfill inspection and monitoring during the 30-year post-closure period. 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 \$69,740 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 can vary. Future work, therefore, will continue until work tasks have been accomplished or the budget exhausted.

SCOPE OF WORK

Task 1 – Operations Guidance, Permit Compliance and Post-Closure 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. After the landfill is closed, inspection and monitoring by an engineer is required from one to four times a year (currently the post-



Commissioner Joe Flores
June 25, 2018
Page 2

closure plan calls for methane monitoring 4 times a year). Eight inspection/monitoring visits to the landfill have been budgeted to initiate post-closure observation of the landfill site.

Work will be conducted as requested by Precinct 3 managers up to the \$37,720 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 install compacted clay cover over landfilled waste as required by the permit. To date, this has occurred over about 2/3 of the landfill surface and the remainder is expected to be accomplished in three individual construction projects between September and the end of the year.

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 locations, construction methods, observations, and soil test results. Observation of the work will be provided when the soil compaction activity is underway.

The budget for this task is \$22,820.

Task 3 – Soil Testing During Closure Construction

Soil testing by a laboratory subcontractor will be provided during the construction project as required by TCEQ. Tests assumed for each of three remaining closure projects include:

- Field moisture and density tests (a maximum of 3 testing trips by laboratory personnel for each area under construction)
- Permeability tests of shelly tube samples (a maximum of 3 tests per every 3 acres)
- Sieve analysis (passing the #200 sieve) and Atterberg Limits (a maximum of 1 each per 100,000 sf)
- Standard Proctor and remolded permeability test (1 test if an additional borrow location for clay is used).

The budget for this work task is \$9,200. Additional sampling requirements may require an amendment to the budget.



Commissioner Joe Flores
June 25, 2018
Page 3

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. A new billing rate schedule is attached for use with this Amendment to the Services Agreement.

CJ appreciates your consideration of this scope of work. It is a pleasure to assist you with the landfill operations and closure. If any further information is needed, please give Brian Dudley, P.E. a call at 512/771-3242 (mob).

Sincerely,

A handwritten signature in blue ink that reads "Jeff Glaser".

Jeff Glaser, P.E.
Vice President

JG:nn

Attachments

cc: Brian Dudley, P.E.



**RATE SCHEDULE
PROJECT 12010 – HIDALGO COUNTY
SERVICES RENDERED THROUGH 31 DECEMBER 2018**

PERSONNEL

Services of CJL personnel will be billed at the following hourly rates:

Principal	\$ 185.00
Senior Project Staff II	165.00
Senior Project Staff I	145.00
Project Staff V	125.00
Project Staff IV	105.00
Project Staff III	90.00
Project Staff II	80.00
Project Staff I	70.00
Technician III	65.00
Technician II	55.00
Technician I	45.00
Administrative Support III	60.00
Administrative Support II	50.00
Administrative Support I	40.00

UNIT COST ITEMS

Mileage for project-related travel is charged at the prevailing IRS reimbursement rate. Domestic, long-distance telephone service is charged at \$0.25 per minute. In-house printing and copying is charged at \$0.10 per letter size image for non-color prints. Color printing is charged at \$1.00 per letter size image. Use of certain CJL-owned field equipment is charged at hourly, daily, or monthly rates; a detailed quotation will be provided upon request.

REIMBURSABLE EXPENSES

Expenses which CJL directly incurs either in the performance of its services or in order to perform its services are charged to THE CLIENT at actual cost plus 15 percent. These include, but are not limited to, travel expenses, expendable supplies, rented or leased equipment, outside duplication service, subconsultants, and subcontractors.

EXPERT WITNESS SERVICES

Expert witness services are billed at multiplier-adjusted standard rates. Time spent preparing for, being present for (stand-by time), and providing expert testimony on the client's behalf will be billed to the client.

The multiplier for expert witness services in the state court system is 120% for preparation and stand-by time, and 150% for providing sworn testimony. The multiplier for expert witness services in the federal court system is 140% for preparation and stand-by time, and 200% for providing sworn testimony.

PAYMENT

Invoices are submitted monthly for all services rendered during the previous month. Payment must be received at CJL's Austin office within thirty (30) days of the invoice date. Attorneys' fees or other costs incurred in collecting delinquent amounts shall be paid by the Client.



COOKJ-1

OP ID: EB

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/22/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Texas Associates Insurors Building 3, Suite 300 1120 Capital of Texas Hwy S. Austin, TX 78746 William R ReynoldsCPCU,CIC,CRM	512-328-7676		CONTACT NAME: PHONE (A/C, No, Ext): 512-328-7676	FAX (A/C, No): 512-327-8337
	E-MAIL ADDRESS:			
INSURER(S) AFFORDING COVERAGE				NAIC #
INSURER A: CNA Insurance Company				
INSURER B:				
INSURER C:				
INSURER D:				
INSURER E:				
INSURER F:				

INSURED Cook-Joyce, Inc.
812 W. 11th
Austin, TX 78701-2000

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		6011732028	10/01/2017	10/01/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			6011640093	10/01/2017	10/01/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10000			6011735799	10/01/2017	10/01/2018	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	6011735091	10/01/2017	10/01/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

COUNTY-

Hidalgo County
Attn: Purchasing Department
2812 S. Business Hwy 281
Edinburg, TX 78539

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Zimbra

leticia.saenz@co.hidalgo.tx.us

RE: Penitas Landfill - Eng. Services**From :** Steve Crain <scrain@atlashall.com>

Mon, Aug 06, 2018 03:57 PM

Subject : RE: Penitas Landfill - Eng. Services 1 attachment**To :** 'leticia saenz' <leticia.saenz@co.hidalgo.tx.us>If your email to me is correct then **Amendment No. 6 is OK.****From:** leticia saenz <leticia.saenz@co.hidalgo.tx.us>**Sent:** Monday, August 06, 2018 3:51 PM**To:** scrain <scrain@atlashall.com>**Cc:** mntrevino <mntrevino@atlashall.com>; rocio villarreal <rocio.villarreal@co.hidalgo.tx.us>**Subject:** Re: Penitas Landfill - Eng. Services

Mr. Crain-

I have attached contract # C-08-222-05-19 with attached amendment #5 previously (as approved by CC on 01/06/15).

Please advise if amendment #6 is OK to proceed with.

Thanks.
Letty

From: "scrain" <scrain@atlashall.com>**To:** "leticia saenz" <leticia.saenz@co.hidalgo.tx.us>**Sent:** Monday, August 6, 2018 3:19:10 PM**Subject:** RE: Penitas Landfill - Eng. Services

Did you confirm this is Amendment No. 6?

From: leticia saenz <leticia.saenz@co.hidalgo.tx.us>**Sent:** Monday, August 06, 2018 2:56 PM**To:** scrain <scrain@atlashall.com>**Cc:** mntrevino <mntrevino@atlashall.com>; rocio villarreal <rocio.villarreal@co.hidalgo.tx.us>**Subject:** Re: Penitas Landfill - Eng. Services

Mr. Crain-

Attached, for your review and approval as to form Amendment No. 6 with Exhibit A attached as advised.

Please advise.

Respectfully,

Leticia H. Saenz, CPPB/Contracts Specialist III
Hidalgo County Purchasing Department
2812 South Business Hwy. 281
Edinburg, Texas 78539
Ph. (956) 292-7000 Ext. 4861
Email: leticia.saenz@co.hidalgo.tx.us

From: "scrain" <scrain@atlashall.com>
To: "leticia saenz" <leticia.saenz@co.hidalgo.tx.us>
Sent: Monday, August 6, 2018 2:47:45 PM
Subject: FW: Penitas Landfill - Eng. Services

From: Steve Crain <scrain@atlashall.com>
Sent: Monday, August 06, 2018 2:14 PM
To: Rocio Villarreal <rocio.villarreal@co.hidalgo.tx.us>
Subject: FW: Penitas Landfill - Eng. Services

Rocio,

Addition to the Amendment please attach Cook Joyce documents as Exhibit A and resend to Mr. Crain, for his final approval as to form.

Marynel

From: Steve Crain <scrain@atlashall.com>
Sent: Monday, August 06, 2018 2:12 PM
To: 'rocio villarreal' <rocio.villarreal@co.hidalgo.tx.us>
Subject: RE: Penitas Landfill - Eng. Services

Hi Rocio:

As per Mr. Crain, see the attached Cook-Joyce amendment.

Thank you,

Marynel Trevino-Rodriguez, Secretary for
Stephen L. Crain & J. Joseph Vale
ATLAS, HALL & RODRIGUEZ, LLP
818 Pecan Blvd. (78501)
P. O. Box 3725
McAllen, Texas 78502
Direct Telephone Number (956) 632-8221
Office Telephone Number (956) 682-5501
Facsimile Number (956) 686-6109

Website address: www.atlashall.com



Atlas Hall
Rodriguez

E-MAIL NOTICE -- This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message.

This communication does not reflect an intention by the sender or the sender's client to conduct a transaction or make any agreement by electronic means. Nothing in this message or in any attachment shall satisfy the requirements for a writing, or constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transaction Act or any other statute governing electronic transactions.

From: rocio villarreal <rocio.villarreal@co.hidalgo.tx.us>
Sent: Thursday, August 02, 2018 3:49 PM
To: scrain <scrain@atlashall.com>
Cc: leticia saenz <leticia.saenz@co.hidalgo.tx.us>
Subject: Fwd: Penitas Landfill - Eng. Services

Mr. Crain:

I have attached the current agreement including the amendment that is being requested by Cook-Joyce. Please review and approve as to form.

Thank you.

ROCIO VILLARREAL
HIDALGO COUNTY PURCHASING DEPT.
CONTRACTS SPECIALIST III
(956) 318-2626 Work
(956) 292-7000 Ext. 4868 Work
[<mailto:rocio.villarreal@co.hidalgo.tx.us> | rocio.villarreal@co.hidalgo.tx.us]
2812 S. Business Hwy 281
Edinburg, Texas 78539

From: "Norma Ceballos" <norma.cebillos@co.hidalgo.tx.us>
To: "rocio villarreal" <rocio.villarreal@co.hidalgo.tx.us>
Sent: Thursday, August 2, 2018 3:45:14 PM
Subject: Penitas Landfill - Eng. Services

Rocio,

Attached is the Cook-Joyce proposal for continuing services at Penitas Landfill.

Thanks.

Norma G. Ceballos
Office of Commissioner Joe M. Flores
Hidalgo County Precinct 3
956.585.4509
956.205.7009 (fax)
norma.ceballos@co.hidalgo.tx.us

This email and any attachments are intended for the sole purpose of the addressee(s). If you are not the intended recipient(s), your advisement of receipt via return email and deletion of this communication is requested.
