

RESOLUTION NO. _____

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH, INC. FOR THE DESIGN OF THE WATER TREATMENT PLANT HIGH SERVICE PUMP STATION AND CLEARWELL IMPROVEMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, on April 20, 2020, the city and CDM Smith, Inc. entered into a professional services agreement, and then on November 17, 2020, by Resolution No.: 2021-092, the board approved the first amendment to the professional services agreement to include the full design of the water treatment plant high service pump station and clearwell improvements; and

WHEREAS, a second amendment to the agreement will move the project into the construction phase and includes bidding services, construction administration, inspection, and funding agency assistance; and

WHEREAS, the cost of this amendment is no more than \$764,900.00 with the total project cost not to exceed \$1,494,600.00; and

WHEREAS, the funding is identified in WA2007, and is funded with a combination of State Revolving Loans and an EDA grant.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That a second amendment to the professional services agreement with CDM Smith, Inc. to move this project into the construction phase, is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, a second amendment to the professional services agreement with CDM Smith, Inc. for the design of the water treatment plant high service pump station and clearwell improvements to deliver the amendment and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the amendment and this resolution.

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 1st day of August, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY