



**Meeting Date:** January 30, 2025      **Agenda Type:** Consent Items for Action

**From:** Adam Willard, P.E.      **Reviewed by:** Michael Short, P.E.  
Chief Engineer of Water      Director of Water Services and  
Systems      Compliance

**Submitted by:** Mark Steelman      **Approved by:** Ryan Kelso  
Chief Operations Officer      Chief Executive Officer

**RECOMMENDED ACTION:** Authorize the CEO or His Designee to Negotiate and Execute a Third Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for the Design of the Trinity Water Treatment Plant and Pump Station Expansion Project

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## **BACKGROUND**

On June 24, 2021, the New Braunfels Utilities (“NBU”) Board of Trustees approved a Professional Services Agreement (the “Agreement”) with Freese and Nichols, Inc. (“FNI”) for professional engineering services for the Trinity Treatment Plant Expansion Project (the “Project”). On April 28, 2022, the Board approved a Professional Services Contract Amendment (the “First Amendment”) for (i) adding additional preliminary engineering, final design, permitting and coordination with stakeholders, preparation of supporting engineering documents for TWDB funding, bid, and construction services; and (ii) increasing the compensation for the additional services. On October 25, 2022, NBU approved the First Supplemental Services Authorization (the “First SSA”) to prepare a Water Pollution Abatement amendment and topographical survey of a new drainage easement. On January 25, 2024, the Board approved a Professional Services Contract Amendment (the “Second Amendment”) for additional construction phase services to include (i) pre-commissioning planning, testing, and development of a commissioning plan, (ii) commissioning administration, testing, and support, (iii) system training, and (iv) increasing the compensation for the additional services.

NBU and the Professional have identified a need to add additional construction phase services to complete the construction of the Project. As a result, NBU staff requests that the Board approve the Third Amendment to the Agreement (the “Third Amendment”), which includes (i) coordinating, preparing, submitting, and inspecting karst feature mitigation plans; (ii) providing additional full-time resident Project representative services; (iii) providing additional part-time construction management services; and (iv) performing additional project management.

This item is being presented to the Board because it modifies the Agreement beyond the parameters the Board previously approved.

## **FINANCIAL IMPACT**

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The total financial impact for the Third Amendment is \$407,495.00. The total contract amount for the Agreement, the First Amendment, Second Amendment, and Third Amendment with FNI for the Project is \$3,772,619.00, including Supplemental Services. The Project is budgeted within the Fiscal Year 2025 through Fiscal Year 2026 NBU Board approved Capital Improvements Projects Budget.

## **LINK TO STRATEGIC PLAN**

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**Customers and Community**

**Infrastructure and Technology**

**Stewardship**

## **EXHIBITS**

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1. Third Amendment to the Professional Services Agreement with FNI