



Meeting Date: June 27, 2024 **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: Michael Short, P.E. **Approved by:** Ryan Kelso
Director of Water Services Chief Executive Officer
and Compliance

RECOMMENDED ACTION: Authorize CEO or His Designee to Negotiate and Execute a Fifth Amendment to the Work Authorization with Quiddity Engineering, LLC, for the Design of the Kuehler Water Reclamation Facility Expansion Project

BACKGROUND

On December 10, 2010, the New Braunfels Utilities (“NBU”) Board of Trustees approved a Professional Services Agreement (the “Agreement”) with Jones and Carter, Inc. (“Jones and Carter”) for professional engineering services for the North and South Kuehler Wastewater Treatment Plant (“WWTP”) (the “Project”). On December 15, 2017, a Work Authorization (the “12/15/17 WA”) was executed, which included services for North and South Kuehler WWTP Expansion, South Kuehler WWTP Major Permit Amendment, North and South Kuehler WWTP Rehabilitation, and South Kuehler SK-20 Relocation/Expansion. A supplement to the 12/15/17 WA was approved by the Board on February 27, 2020 (the “Supplement to WA”), amended on November 5, 2020 (the “First Amendment to WA”), amended on March 8, 2021 (the “Second Amendment to WA”), amended on January 6, 2023 (the “Third Amendment to WA”), and amended on May 23, 2023 (the “Fourth Amendment to WA”).

The First Amendment to WA split the Project into three (3) construction design packages, including (i) the North and South Kuehler WWTP Expansion Project, (ii) the North and South Kuehler WWTP Rehabilitation Project, and (iii) the North and South Kuehler WWTP Access Road Project. As a result of this split, several services included in the 12/15/17 WA were no longer needed.

The Second Amendment to WA removed all services no longer needed from the First Amendment to WA. The Third Amendment to WA rescinded all remaining work from the North and South Kuehler WWTP Expansion Project. The Third Amendment to WA was not previously presented to the Board, and staff requested that the Board ratify the Third Amendment to the WA on May 23, 2023. Before execution of the Third Amendment to WA, Jones and Carter changed its name to Quiddity Engineering, LLC (“Quiddity”).

The Fourth Amendment to WA included improvements for the treatment units and equipment planned to be decommissioned in the Expansion to extend their service life to enable the WWTP, now referred to as Water Reclamation Facility (“WRF”), to remain in compliance with NBU’s treatment permit.

The design of the North & South Kuehler Wastewater Treatment Plant Rehabilitation (“WWTP”) was completed, and approval received from the TCEQ and partial approvals from the City of New Braunfels permitting. Due to decreasing flows and budget constraints, NBU elected to reduce the scope, modify the design concept for the rehabilitation, and modify the design to include certain scope items as bid alternates to provide NBU with bid award flexibility to align with budget for the North & South Kuehler WWTP Rehabilitation.

As a result, NBU staff requests the Board approve the Fifth Amendment to the Agreement (the “Fifth Amendment”), which modifies the design to remove the proposed preliminary treatment unit, elevated flow splitter, pipe bridge that crosses the North Tributary, and various other items; adds to the design to rehabilitate the existing influent headworks, influent screens, and membrane thickener (“MBT”) screens, and rehabilitate the existing gas chemical feed rooms to be compliant with current TCEQ Chapter 217 design criteria; redesigns various remaining items impacted by the changes; prepares an updated drainage model and analysis for the North Tributary for floodplain impact assessment and to comply with updated City of New Braunfels criteria; and resubmits for agency approvals for the revised project design scope.

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

Upon completion of the final design, NBU staff will solicit a construction contract and bring the construction contract to the Board for approval in October 2025. NBU staff plans to begin construction in 2026.

FINANCIAL IMPACT

The total financial impact for the Fifth Amendment is \$1,162,000.00. The total contract amount for the Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment with Quiddity for the Project is \$5,846,000. The Project is budgeted within the Fiscal Year 2017 through Fiscal Year 2027 NBU Board approved Capital Improvements Projects Budget.

LINK TO STRATEGIC PLAN

Customers and Community

Stewardship

EXHIBITS

1. Fifth Amendment to the Professional Services Agreement with Quiddity.