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**Meeting Date:** August 31, 2023      **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 &  
Systems      Compliance

**Submitted by:** Michael Short, P.E.      **Approved by:** Ryan Kelso  
Director of Water Services &      Interim Chief Executive Officer  
Compliance

**RECOMMENDED ACTION:** Authorize Interim CEO or His Designee to Negotiate and Execute a Second Amendment to a Professional Services Agreement with Binkley and Barfield, Inc. for the Design of the Castell Avenue Rehabilitation Project

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## BACKGROUND

On September 29, 2019, the New Braunfels Utilities (“NBU”) Board of Trustees approved a Professional Services Agreement (the “Agreement”) with Urban Civil, LLC for professional engineering services for the Castell Avenue East Rehabilitation Project (the “Project”). On May 5, 2020, NBU approved a Professional Services Contract Amendment (the “First Amendment”) for additional geotechnical engineering sampling and analysis needed to install new steel pipe-encased 12-inch and 24-inch water main pipelines. NBU has accepted two subsequent name changes due to the mergers of Urban Civil, LLC with Urban Engineering, LLC and then with Binkley and Barfield, Inc. (“Binkley and Barfield”). NBU has agreed to allow Binkley and Barfield to assume all contractual obligations of the Agreement and Amendments.

During the course of design, Binkley and Barfield estimated construction of the Project would take eighteen (18) months to complete. However, there were delays due to unknown site conditions and contractor performance that resulted in an additional eight (8) months needed to complete construction. As a result, NBU staff requests that the Board approve the Second Amendment to the Agreement (the “Second Amendment”), which includes (i) additional construction phase services, subsurface utility engineering, and surveying services (the “New Services”); (ii) increase the compensation related to the New Services; and (iii) extend the time of completion.

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 of the Second Amendment is \$50,892. The total contract amount for the Agreement, the First Amendment, and Second Amendment with Binkley and Barfield for the Project is \$426,192. The Project is budgeted within the fiscal year 2023 NBU Board approved Capital Improvements Projects Budget.

## **LINK TO STRATEGIC PLAN**

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**Customers and Community**

**Infrastructure and Technology**

## **EXHIBITS**

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1. Second Amendment with Binkley and Barfield