



Meeting Date: April 24, 2025 **Agenda Type:** Consent Items for Action

From: Jill Barney **Reviewed by:** Nancy Pappas
Project Manager Managing Director Headwaters at
the Comal

Submitted by: Dawn Schriewer **Approved by:** Ryan Kelso
Chief Financial Officer Chief Executive Officer

RECOMMENDED ACTION: Authorize the CEO or His Designee to Negotiate and Execute AIA Document G802-2017, Amendment to the Professional Services Agreement between New Braunfels Utilities and Lake|Flato Architects, Inc. for (i) Formalization of Additional Service Requests (“ASRs”) from Project Inception to Present; (ii) Extension of Phase 2 Construction Administration; (iii) Completion of Phase 3 Construction Documentation, Phase 3 Construction Administration, and Extension of Phase 3 Construction Administration; and (iv) Additional Services for Completion of Phase 4 Construction Documentation, Phase 4 Permitting, and Phase 4 Construction Administration

BACKGROUND

New Braunfels Utilities (“NBU”) and Lake|Flato Architects, Inc. (“Lake Flato”) entered into an agreement in May of 2013 for sitework and building design and documentation for the Headwaters at the Comal site development project (the “Project”). Most recently, in August of 2021, the Board of Trustees executed an amendment between NBU and Lake Flato for additional services for the completion of Phase 2 of the Headwaters at the Comal Master Plan.

Now, NBU and Lake Flato desire to amend the contract again to (i) formalize all Additional Service Requests (“ASRs”) from the inception of the contracts to the present; (ii) authorize additional services for the extension of Phase 2 Construction Administration Phase beyond the substantial completion date provided by Byrne Construction for GMP 2; (iii) authorize additional services for the completion of Phase 3 Construction Documentation, Phase 3 Construction Administration; and the extension of Phase 3 Construction Administration Phase beyond the substantial completion date provided by Byrne Construction for GMP 2; and (iv) add services for the completion Phase 4 Construction Documentation, Phase 4 Permitting and Phase 4 Construction Administration. The amendment with Lake Flato ensures continued support through project completion.

While the agreement with Lake Flato references Phase 4 in the contract, that does not match the construction phases of the complete Headwaters at the Comal project. The construction phases are designated Phase 1, Phase 2, and Phase 3. The agreement with Lake Flato, however, covers all construction documentation, permitting, and administration to deliver the completion of the Headwaters at the Comal master plan architectural drawings.

NBU staff requests that the Board of Trustees approve the Amendment with Lake Flato for the Project.

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

FINANCIAL IMPACT

The total financial impact of the Amendment with Lake Flato is \$1,033,525.00. This is being budgeted from the NBU Fiscal Year 2025 capital budget.

LINK TO STRATEGIC PLAN

Stewardship

EXHIBITS

1. AIA G802 - 2017 Amendment
2. Exhibit A – Project Accounting Summary
3. Original AIA Agreement