



**Meeting Date:** January 29, 2025

**Agenda Type:** Consent Items for Action

**From:** Dan Redhead  
Project Manager

**Reviewed by:** Darrin Jensen  
Director of Enterprise Project  
Management Office

**Submitted by:** David Hubbard  
Chief Administrative Officer

**Approved by:** Ryan Kelso  
Chief Executive Officer

**RECOMMENDED ACTION:** Authorize the CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for Owner's Representative Services for the Proposed Backup Operations Center Project

## **BACKGROUND**

On October 18<sup>th</sup>, 2021 New Braunfels Utilities ("NBU") entered into a Professional Services Agreement (the "Agreement") with Freese and Nichols, Inc. ("FNI") for Owner's Representative Services to include project management, pre-construction phase services, and construction phase services ("Original Services") for the NBU Backup Operations Center ("BOC") formerly known as the NBU Disaster Recovery Facility to be completed by June 30, 2023 (the "Project").

Due to the Project being suspended for approximately twelve months, NBU and FNI identified a need to (i) modify certain project management reporting requirements, (ii) expand pre-construction phase services and construction phase services; and (iii) add feasibility assessment and property survey of an existing facility, located at 1488 South Seguin Avenue in New Braunfels, for consideration as a possible alternate location for the Backup Operations Center in effort to reduce overall building cost per square foot by remodeling this facility in lieu of constructing an entirely new facility, testing for construction materials, mechanical testing and balancing, and electrical continuity/grounding testing ("New Services").

NBU and the Professional desire to amend the Agreement to (i) add New Services, (ii) authorize additional compensation for the New Services, and (iii) extend the completion time to December 31, 2026.

## **FINANCIAL IMPACT**

The total financial impact of the First Amendment is \$305,345.00. The total contract amount for the Agreement and the First Amendment with FNI for the Project is \$532,654.00. The Project is budgeted within the Fiscal Year 2023 through Fiscal Year 2027 NBU Board approved Capital Improvement Projects Budget as NBU Backup Operations Center.

**LINK TO STRATEGIC PLAN**

**Infrastructure and Technology**

**Safety and Security**

**EXHIBITS**

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1. First Amendment to the Professional Services Agreement with FNI